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CLASSICAL PHILOLOGY

Volume XXXVIII

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CAPTIVUS REDEMPTUS

ERNST LEVY

INTRODUCTION¹

LAW, in the view of the Romans, was nationally determined and limited. It did not provide for men or things outside the political territory to which they belonged. If they crossed the boundary with no special exemption granted by international covenant or custom, they were without rights. The rule applied for Roman citizens abroad in the same fashion as for foreigners on Roman soil. A citizen unfortunate enough to be taken prisoner of war therefore lost all his legal status, political and private.² He became the enemy's slave, which, in the uncompromising sense of that Roman term,

plainly implied that he changed from a person into a thing. But such slavery did not have to be final. It was terminated if and when the citizen returned to Roman territory. In principle,³ he regained the legal status he occupied when he was captured. This rule known as *postliminium* traces well back to early Roman history. It was elaborated in detail in preclassical and classical doctrine.⁴

Did this *ius postliminii* also apply to a captive who returned because somebody ransomed him from the enemy? Or was the restoration of his old position contingent on the reimbursement or other discharge of the ransom, until which he was subject to the power of the ransomer? In other words, did *postliminium* take place immediately or was it suspended until reimbursement? Early in the third century A.D. the second rule was undoubtedly in effect. But was this the original state of affairs? That it was is, indeed, the predominant opinion.⁵ Mommsen sees no

¹ The following abbreviations are used: Albertoni = "Redemptus ab hostibus," *Rivista di diritto internazionale*, XVII (Rome, 1925), 358-78, 499-526; Buckland = *The Roman Law of Slavery* (Cambridge, 1908); *CJ* = *Codez Justinianus*, ed. P. Krüger, *Corpus juris civilis*, II (9th stereo. ed.; Berlin, 1915); *CT* = [*Codez*] *Theodosianus*, eds. Mommsen and Meyer (Berlin, 1905); *D* = *Justiniani Digesta*, eds. Mommsen and P. Krüger, *Corpus juris civilis*, Vol. I (13th stereo. ed.; Berlin, 1920); *Felgentraeger* = *Antikes Lösungsrecht* (Berlin and Leipzig, 1933); *Ind. int.* = *Index interpolationum*, eds. Levy and Rabel (Weimar, 1929 ff.); H. Krüger = "Captivus redemptus," *SZ*, LI (Weimar, 1931), 203-22; Migne = *Patrologia Latina* (Paris, 1844 ff.); PW = Pauly, *Real-Encyclopädie der klassischen Altertumswissenschaft*, eds. Wissowa and others (Stuttgart, 1894 ff.); Romano = "Redemptus ab hostibus" *Rivista italiana per le scienze giuridiche*, N.S., V (Rome, 1930), 1-41; *SZ* = *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Romanistische Abteilung* (Weimar, 1880 ff.).

² For references, including dissenting authors, see Buckland, pp. 291 ff.; Buckland, *Textbook of Roman Law* (1921), p. 67, n. 13; H. Krüger, pp. 205 f.; Lévy-Bruhl, *Atti del Congresso internazionale di diritto romano* (1934) (Roma), II, 477 f.

³ For exceptions see Mittels, *Römisches Privatrecht*, I (1908), 131 f.

⁴ For all this see, e.g., Buckland, *Slavery*, pp. 291 ff., 304 ff.; cf. also the recent article of F. de Visscher, "Aperçus sur les origines du *postliminium*," *Festschrift Paul Koschaker* (1939), I, 367 ff.

⁵ Mommsen, *Juristische Schriften* (1907; ex 1885), III, 8 f.; Bücheler and Zitelmann, *Das Recht von Gortyn* (1885), p. 166; Girard, *Manuel élémentaire de droit romain*³ (1911), pp. 129 f.; Perozzi, *Istituzioni di diritto romano*, I² (1928), 296 ff.; Kretschmar, *SZ*, XXIX (1908), 254; Lewald, *Zur Personalezekution im Recht der Papyri* (1910), pp. 71 ff.; Bonfante, *Corso di diritto romano*, I (1925), 139; H. Krüger, p. 204. Unde-

reason to doubt that the personal subjection of the *redemptus* to the *redemptor* originated in a most remote epoch. Perozzi asserts that under the *postliminium* the *redemptus* was originally not regarded as a *reversus* at all. Krüger, the most recent author of an article on this subject, believes that in all Roman history prior to Justinian the *redemptus* was owned by the ransomer.

The evidence for this interpretation is slight, to say the least. No real proof is offered. Mommsen, on whom most of the cited authors rely, is satisfied with stating that a like rule was familiar to Attic law.⁶ At the same time, however, he admits that that rule would be of a rather exceptional character in Rome. In fact, Roman law, as opposed to other ancient systems,⁷ did not permit a citizen to be a slave on Roman soil. Where the old law provided for the enslavement⁸ of a citizen, it insisted that he be sold abroad or that he be forced to leave Roman territory.⁹ Later, after many centuries passed by, a Roman might be reduced to slavery at home, but

this happened solely in determined cases as a matter of punishment.¹⁰ It is hard to conceive how in an early period that basic principle of personal freedom should have been invaded to the prejudice of men who, after fighting for their country, were relieved from the captivity into which they had fallen.¹¹

I. DEVELOPMENT TO ca. A.D. 160

There is, however, no want of more specific arguments. A redemption of prisoners was anything but unfamiliar to early Roman history. It used to be undertaken either by individuals or by the authorities. But an individual in those times was not likely to act except for people related to him by *potestas*, *familia*, *gens* or as the prisoner's *patronus*, *cliens*, *hospes*. Such bonds of personal dependence or connection were even regarded as creating a moral obligation, based on *fides*, to intervene and, in certain circumstances, enforceable under *ius sacrum*. Among the duties of a *cliens* Romulus already is said to have listed the redemption of his *patronus* or the latter's children from the enemy: *λύτρα καταβάλλειν πολεμίοις, εἰ τις αὐτῶν* (scil. *πατρῶνων*) *ἢ παίδων αἰχμάλωτος γένοιτο* (Dion. ii. 10. 1). Plautus (*Asin.* 106), on the other hand, presents a slave asking his master "Tun redimes me, si me hostes interceperint?" and getting the promise "Redimam."¹² Redemptions between persons so closely related¹³ un-

terminated: Albertoni, p. 512, n. 1, but see also p. 515, n. 1. In another and better way, Voigt, *Römische Rechtsgeschichte*, II (1899), 465 f.; Cuq, *Institutions juridiques des Romains*, II (1908), 143; see also Rabel, "Grundzüge des römischen Privatrechts," in Holtzendorff and Kohler, *Enzyklopädie der Rechtswissenschaft*, I⁷ (1915), 421. Some older references are found in R. Leonhard, PW, I, A, 447 f., s.v. "*redemptor*."

⁶ On this see below, pp. 174 f.

⁷ On Greek law see, though divergent in detail, Thalheim, *Griechische Rechtsaltertümer*⁴ (1895), 20 ff.; Swoboda, *SZ*, XXVI (1905), 211; Patsch, *Griechisches Bürgerrecht*, I (1909), 13, n. 3; *Dikaiomata* (1913), pp. 123 f.; Mittels, *SZ*, XXXIV (1913), 463; Weiss, *Griechisches Privatrecht*, I (1923), 503 ff.; Albertoni, p. 500, n. 3. On Babylonian law: Koschaker, *Rechtsvergleichende Studien zur Gesetzgebung Hammurapis* (1917), p. 106; cf. Wenger, *Institutes of the Roman Law of Civil Procedure* (1940), p. 225, n. 9.

⁸ Only this is in question. A *causa mancipii* seems to have included only such situations as were created by *mancipatio*; cf. Kunkel, *Römisches Privatrecht* (1935), pp. 63, 290; Arangio-Ruiz, *Istituzioni di diritto romano*⁴ (1937), pp. 490 f.

⁹ See, e.g., Mommsen, *op. cit.*, pp. 3 ff.; Bonfante, *op. cit.*, pp. 159 f.; cf. also Levy, *Römische Kapitalstrafe* (1931), pp. 9 ff.

¹⁰ Buckland, *Textbook of Roman Law*, pp. 70 ff.; Bonfante, *op. cit.*, pp. 160 f.; Kunkel, *op. cit.*, pp. 67 f.

¹¹ Deserters and others who had voluntarily surrendered while armed were excluded from *postliminium* in any event (*D* xlix. 15. 17; 19. 4; see also xlix. 16. 5. 5).

¹² Pertinent, though not dealing specifically with redemption, is the story that Coriolanus, being offered a number of prisoners as his own, selected a single man who happened to be related to him as a *hospes* (Dion. vi. 94. 2; viii. 30. 2).

¹³ Other instances: Plaut. *Capt.* 330 ff. (father and son); Plaut. *Pers.* 695 f. (twin brothers), though they may have been borrowed from the Greek models.

doubtedly left their legal status untouched.

When the power of the republic increased and its jurisdiction spread, ransom began to be considered as a public prerogative to be exercised only if demanded or permitted by the common interest. Problems of political and military nature were clearly involved. It was up to the senate to act.¹⁴ Relatives could no longer proceed without *senatus auctoritas* (Liv. xxii. 60. 3; App. Hann. 28). Even a dictator was expected to submit to it (Liv. xxii. 23. 5, 7). Such, in any event, was the situation during the Second Punic War. There were by this time a number of instances in which the senate had acted favorably (Liv. xxii. 59. 7; App. loc. cit.; cf. Liv. xxii. 23. 6). But, in general, a sterner view used to be held (Liv. xxii. 59. 1, 61. 1): *aut vincere aut emori* was regarded as the soldier's duty ([Cic.] De off. iii. 114; App. loc. cit.). Particularly memorable is the debate upon the prisoners taken in the battle of Cannae (216 B.C.) and offered for ransom by Hannibal. After an impressive speech by old T. Manlius Torquatus the senate finally resolved *non redimi captivos* (Liv. xxii. 61. 3, 7).¹⁵ But the preceding discussion revealed that the body was divided on the issue:

Alii redimendos de publico, alii nullam publice impensam faciendam nec prohibendos ex privato redimi; si quibus argentum in praesentia deesset, dandam ex aerario pecuniam mutuum praedibusque ac praediis cavendum populo censerent [Liv. xxii. 60. 3, 4].

There is not the slightest indication that redeemed prisoners were thought of as

prospective slaves. Such a consequence is rather eliminated by implication: if the ransomer received those men as his own, they would have served as the natural and adequate security for the proposed loan of the senate. There would then have been no reason to provide for sureties or pledged lands. Another statement made in that meeting seems no less instructive. Pleading for rescue, the spokesman of the prisoners argued that the ransom would not cost the commonwealth more than the eight thousand slaves who, in order to avert the approaching catastrophe, were just being bought for military service; "si conferam," he added, "nos cum illis, iniuriam nomini Romano faciam" ("it would be an insult to the name of Roman to compare ransomed citizens with slaves") (Liv. xxii. 59. 12; cf. 57. 12). This remark would lose much of its point if citizens ransomed by others were, for the time being, not any better than slaves.

The year before this had happened, in 217 B.C., a redemption of Roman captives had taken place. It is true that the senate again declined to intervene. But Q. Fabius Maximus, the dictator, to live up to the pact made with Hannibal after the battle of Lake Trasimene, ransomed them at his own expense. When later many of them came to offer reimbursement, he remitted it for all of them (Liv. xxii. 23. 6-8; Plut. Fab. 7. 4, 5¹⁶). The legal relation, if any, of Fabius and the ex-prisoners is evidently one between citizens and distinctly opposed to that of master and slaves.

This manner of regarding the ransoming of prisoners as an act of liberality,¹⁷ whether public or private, persisted well into the following centuries. Cicero distinguishing between laudable and blameworthy types of generosity places at the

¹⁴ Mommsen, *Römisches Staatsrecht*, III (1887), 1121.

¹⁵ Hannibal thereupon sold them to the Greeks, as slaves, of course; after the Macedonian War, in 194 B.C., many of them were freed at the request of Flaminus, the liberator of the Greeks, as a matter of gratitude and not for ransom (Liv. xxxiv. 50. 3-7). Other Roman prisoners were, in 189, released by the Cretans *quia belli minas timuerint* (ibid. xxxvii. 60. 3-6).

¹⁶ καὶ πολλῶν ἀποδιδόντων ἑστέραν παρ' οὐδένος λαβεῖν, ἀλλ' ἀφ' ἑκῆ πᾶσι.

¹⁷ See also Mommsen, *Röm. Staatsrecht*, III, 1121.

top of the first group those "qui suis facultatibus . . . captos a praedonibus redimunt" (*De off.* ii. 56) and amplifies this statement by commending such "redimi e servitute captos"¹⁸ as a munificence beneficial not only to the redeemed individual but "etiam rei publicae" (*ibid.* ii. 63). His reference in the second passage to the senate's fine record in this respect and to Crassus the orator's¹⁹ account of that record is sufficient to make it plain that the victims to whom he wished to allude there were not so much those captured by the pirates in the Mediterranean as real prisoners in foreign wars.

Another hundred years later, Seneca in his treatise *De beneficiis* considers the problem of whether a service rendered to others, though primarily in the benefactor's interest, may still be called a *beneficium*²⁰ involving a (moral) liability on the part of the beneficiary. Here is his illustration: "Putā, inquit, aliter fieri non posse me magistratum, quam si decem captos cives ex magno captivorum numero redemero: nihil debebis mihi, cum te servitute ac vinculis liberavero? Atqui mea id causa faciam" (vi. 13. 3—14. 2). And what, he asks in another passage (ii. 21. 1, 2), will be the right behavior of a man who has been offered redemption by an ill-reputed fellow? "Vivam cum ob-scoeno? non vivam cum redemptore?" Nonetheless, he may accept, "accipiam autem tamquam creditum, non tamquam beneficium; solvam illi pecuniam . . . nec servatoris illum loco numerabo, sed feneratoris cui sciam reddendum quod accepi." Both discussions, while involving the case of a prisoner of war, seem clearly to indicate that the idea of his bondage or other personal subjection to the ransom does not even appear as a possibility.

They are concerned solely with the question of whether or not the ex-prisoner should feel morally indebted for the favor received. How far the ransom could be legally recovered was, by the way, in Seneca's age no longer a problem: an *actio certae creditae pecuniae* or *mandati* or *negotiorum gestorum*²¹ might be available, subject to the particularities of the given case.²²

The extra-legal sources considered so far would seem, then, for the time down to Nero, to permit but one conclusion. The fact that a prisoner was ransomed from the enemy did not in any way affect his personal status, so that, immediately upon his return, he would enjoy the *ius postliminii* with all its wide implications. The jurists of the same period, so far as their discussions have come down to us, are silent on the issue. But that silence is perhaps not quite without significance. The number of texts or citations which show them dealing with questions of *postliminium* appears, as measured against the total of extant excerpts of that period, relatively high. Undoubtedly, therefore, they did pay attention to the problem of redemption, which was discussed even by historians and philosophers. If not one of their passages as included in Justinian's *Digest* is pertinent to the problem, it may be suspected that either the compilers or those late classical jurists upon whose works they essentially drew did not agree with the way in which the earlier jurists looked at the matter. In fact, the break occurred during the classical age.²³

The earliest jurist from whom some remark on redemption has been preserved is Pomponius. The one of his two statements²⁴—a quotation from the thirty-

¹⁸ Alongside of *locupletari tenuiores*.

¹⁹ Who died in 91 B.C.

²⁰ Compare Liv. xxii. 59. 11: "beneficio vestro redempti atque in patriam restituti."

²¹ Cf. Paul D iii. 5. 18. 5; Ulp. D iii. 5. 19.

²² See also below, n. 86.

²³ See below, pp. 163 ff.

²⁴ About the other see below, n. 73.

sixth²⁵ book of his work *Ad Sabinum* (*D* xlix. 15. 20. 2)—was probably written in Hadrian's time,²⁶ at the height of the classical period: "Redemptio facultatem redeundi praebet, non ius postliminii mutat." Little attention has been paid to this passage in recent years. If considered at all,²⁷ it has been belittled or called mysterious.²⁸ Indeed, it runs directly counter to the prevailing opinion, which, as stated above,²⁹ takes suspension of *postliminium* for granted in all periods of Roman history. If there were no other indications for the truth of Pomponius' few isolated words, they might easily be disposed of as inconclusive. In the light of the cited testimonies, however, those words seem to take on a far greater significance. They tell, in the first place, that the rule, which by inference could be gathered from nonlegal texts, was directly laid down and precisely formulated by a classical jurist. They show, secondly, that the rule as ascertained for Nero's age was still in force nearly a century thereafter. One may even arrive at a full century or more by referring to a fragment of the *Institutiones* of Florentinus. The fragment is from the sixth book written after the death of Antoninus Pius:³⁰ "Nihil interest quomodo captivus reversus est, utrum dimissus an vi vel fallacia potestatem hostium evaserit, ita tamen si ea mente venerit, ut non illo reverteretur . . ." (*D* xlix. 15. 26). If the returning captive intends not to go back to the enemy, *post-*

liminium applies, regardless of whether the enemy let him escape voluntarily (*dimissus*) or under the impact of forcible or fraudulent action. There was no need, particularly not in such a textbook for beginners, to elaborate on the various instances implied in the first alternative. What is certain is that the jurist cannot have overlooked redemption, the most important among them. If, therefore, nothing pertinent was canceled by the compilers, the text seems definitely to place Florentinus side by side with Pomponius.³¹

II. THE *constitutio de redemptis*

It was not until after Antoninus Pius that the old tenet was reversed. The most concise extant version of the new dogma happens to be included in two later rescripts, both of Diocletian:

Liber captus ab hostibus et commercio redemptus tunc demum cum pretium solverit vel hoc ei qualicumque remittatur indicio statum pristinum recipit [*CJ* viii. 50. 17 *pr.* (A.D. 294)].

Cum et postliminii ius et communis utilitatis ratio exigat, ut, si qui captos ab hostibus redemerint, accepto pretio redemptos suae ingenuitati restituant, . . . [*cod.* 6 (A.D. 291)]. These statements hardly added much³² to what was already firmly established a century earlier.

Paul and Ulpian presupposing, rather than expounding, the new doctrine, as far as their extant fragments go, applied it to a great number of various situations. Paul *Libro xvi ad Sabinum* (*D* xlix. 15. 19. 9), i.e., in a work probably composed

²⁵ This number may be mistaken; see Mommsen's ed.; cf. also Lenel, *Palingenesia iuris civilis* (ad loc.).

²⁶ P. Krüger, *Geschichte der Quellen und Literatur des röm. Rechts*² (1912), p. 191.

²⁷ Neither Romano nor Felgentraeger took it into account. Albertoni, p. 517, n. 1, referred to it only to arrive at the equivocal result that, while *postliminium* took place immediately, the *redemptus* was still in *mancipio* of the ransom.

²⁸ So H. Krüger, p. 221, n. 1.

²⁹ Pp. 159 f.

³⁰ See Flor. *D* xli. 1. 16; cf. P. Krüger, *Geschichte der Quellen* . . . , p. 215, n. 17.

³¹ The same might be said about *Gai.* 1. 129, which was written shortly before the death of Antoninus Pius (P. Krüger, *Geschichte der Quellen* . . . , p. 205); but Gaius takes the return of the prisoner for granted without dealing with its causes.

³² It may be that the clause in *c. 17 pr., vel hoc* . . . *indicio* was not yet recognized in such a general way in the classical period (see below, nn. 95, 96). There is no reason to reject the opening clause of *c. 6*, as suggested by Taubenschlag, *Das römische Privatrecht zur Zeit Diocletians* (1923), pp. 267, n. 3, and 276, and Albertoni, p. 520, n. 1.

between 193 and 198,³³ holds that the *redemptus* whom the ransomers sold for more than he paid the enemy does not have to reimburse more than the ransom. From Ulpian, who wrote roughly from 212 to 217,³⁴ quite a few passages are to the point: "Qui ab hostibus redempti sunt, priusquam se luant" cannot enlist in the army (*D* xlix. 16. 8).³⁵ Under the "interdictum de liberis exhibendis" protecting a free person from being detained by another, a man who has the detained person *in potestate*, as he, for example, normally has his children, is not liable, for "dolo malo non videtur habere qui suo iure utitur." "Si quis," Ulpian goes on to say, "eum quem ab hostibus redemit retineat, in ea causa est, ut interdicto non teneatur: non enim dolo malo fecit," which plainly implies that a ransomed man is likewise in the ransomers' *potestas* (*D* xliii. 29. 3, 2, 3). The ransomers of a freeborn woman was, if he kept her with himself in order to have children from her, considered as having released her from his control, whereupon she was again *libera et ingenua* (*D* xlix. 15. 21 *pr.*). Prisoners taken and ransomed in civil revolts were not regarded as prisoners of war; hence, whether ransomed or not, they retained "ingenuitatem quam nulla captivitate amiserant" (*D* xlix. 15. 21. 1; cf. *eod.* 24 and 19. 2).³⁶ Several texts discuss the problem of whether a *redemptus* before he reimbursed his ransomers had a right of succession and, vice versa, whether others might succeed him: he is dealt with throughout like a man who at the time of death was still *apud hostes* (*D* xxxvii. 6. 1.

17; xxxviii. 16. 1. 4; xxxviii. 17. 2. 3 *if.*; xlix. 15. 15 *init.*), i.e., as a slave having a chance to be restored to freedom and citizenship or, if he died abroad, regarded as having died in freedom³⁷ ("cum placeat eum statu recepto decessisse" [*D* xxxviii. 16. 1. 4]). This basic idea that the *redemptus* was a slave³⁸ unless and until he satisfied the ransomers persisted for many centuries,³⁹ though relaxed in some detail.⁴⁰ But where did it originate? How account for that striking change which evidently took place rather suddenly in the second half of the second century?⁴¹

The suddenness of the break, as well as the predominant role which in that time *constitutiones principum* were taking

³⁷ See, e.g., Buckland, *Textbook of Roman Law*, p. 67, n. 13; Bonfante, *op. cit.*, pp. 158 f.; Siber, *Römisches Privatrecht* (1928), p. 29.

³⁸ Pampaloni (*Bullettino di diritto romano*, XVII [1905], 123 ff.), elaborating on what was suggested by Dernburg and Voigt, insisted that a ransomed free-man was rather in *causa mancipii*. This opinion which first met with much approval (see the authors listed by Romano, pp. 12 f.) has been shown unfounded; see, above all, Arangio-Ruiz, *Istituzioni di diritto romano*⁴, pp. 490 f.; Romano, pp. 14 f.; H. Krüger, pp. 203 ff.; Ellul, *Etudes sur l'évolution et la nature juridique du mancipium* (1936), which book is known to me only from its review by De Visscher (*Revue historique de droit*, XVI [1937], 531 ff.). It should be noted that in the second century A.D., when the new rule came into being, the category of *in mancipio esse* was disappearing rather than spreading. Not a single new type emerges during the classical period (cf. Arangio-Ruiz, *op. cit.*, pp. 489 f.). People deprived in that period of their independence for exceptional reasons (see above, n. 10) were plainly regarded as slaves.

³⁹ Diocletian's rescripts on the subject, of which no less than eleven are excerpted in *CJ* viii. 50 (see also below, nn. 55, 95, 96), are particularly explicit. See, in addition to *CJ* viii. 50. 6 and 17 (above, p. 163), e.g., *servitutis* (*eod.* 8), *ingenuitatis quam amiseras* (*eod.* 11), *ex seruo susceptos* (*eod.* 16), and the emphasis he places on the distinction between those *commercio redempti* and those *non commercio redempti* (*eod.* 5, 10, 12). A hundred years later, St. Ambrosius (*De officiis ministrorum* li. 70 [Migne, XVI, 129]) takes it likewise for granted that the condition of a *redemptus* was *servitus*: "... qui suam servitutem non possent rescindere, nisi fo te pretium recipere emptori placeret: in quo tamen non rescinditur servitus, sed redimitur" (reimbursement does not have retroactive effect).

⁴⁰ See below, nn. 95, 96.

⁴¹ More correctly speaking, between Flor. *D* xlix. 15. 26 (see above, n. 30) and Paul *D* xlix. 15. 19. 9 (see above, n. 33), i.e., between ca. 161 and 198.

³³ P. Krüger, *Geschichte der Quellen* . . . , pp. 231 and 221.

³⁴ *Ibid.*, p. 240.

³⁵ The way in which the *redempti* are here grouped together with those *qui status controversiam patiuntur* arouses some suspicion. The status of a *redemptus*, though in suspense, does not have to be controversial.

³⁶ See also Mittels, *op. cit.*, p. 128.

among the sources of law, makes it almost certain that the change was due to an imperial decree. In fact, Tryphoninus (*D* xlix. 15. 12) in the fourth book of his *Disputationes*,⁴² covering the most extensive exposition of the subject we possess, sets himself the task of interpreting a "constitutio quae de redemptis lata est" (§ 8) and repeatedly contrasts its implications with the *ius vetus* (§ 9) or *vetustissimum* (§ 8). Why not identify the *constitutio* with the expected decree? Practically all the recent authors on *civis redemptus* have declined to take account of the *constitutio*,⁴³ pleading that it was concerned solely with a *servus redemptus*. This, however, is not fully correct. Neither would the phrase *de redemptis* indicate such a qualification nor does the jurist exclude the *civis redemptus* entirely from his argument. His § 15 is about a *redemptus* who before his capture was sentenced to deportation, i.e., a punishment applied only to free people.⁴⁴ The whole discussion of a captured and ransomed convict makes no distinction between a freeman and a slave: the convict is assumed to have been free in § 15, a slave in § 16, while in § 17 he may have been either one. What must be admitted is only that Tryphoninus, commenting on the *constitutio*, seems primarily to have a *servus redemptus* in mind. But this very fact is subject to suspicion. The nineteen sections of *D* xlix. 15. 12 fall obviously into two parts, the first (*pr.* to § 6) taking up the *liber homo captus*, the rest (§§ 7-18) devoted to the *servus cap-*

tus.⁴⁵ Whereas, however, the latter part deals exclusively with redemption, the former fails even to mention it. Tryphoninus should not be held responsible for that. It is impossible to assume that he, while concentrating elaborately on the *servus redemptus*, should not have found a single explicit word for the *civis redemptus*. What is wanting was undoubtedly canceled by the compilers. There is more evidence. The fashion in which the *constitutio* is referred to where it appears for the first time (§ 8) seems strange enough. Like his contemporaries, Tryphoninus used to cite an imperial decree by the name of the ruler who issued it.⁴⁶ Here, however, the name is wanting. There is, instead, "constitutio quae de redemptis lata est," an entirely unusual expression with *ferre constitutionem* as a ἀπαξ λεγόμενον in the classical age.⁴⁷ The relative sentence was, most naturally, added by those who cut out the foregoing. Tryphoninus did not have to introduce the *constitutio* at this place, since he had discussed it previously at length. The occurrence is analogous to that in Tryph. *D* xxvi. 6. 4, where a *constitutio* mentioned four times remained unspecified for no other reason than the fact that the compilers took its text and part of the commentary not from Tryphoninus but Modestinus (*D* xxvi. 6. 2. 2.).⁴⁸

Justinian did eliminate the *constitutio* as far as it dealt with the *homo liber redemptus*, because he emphatically refused to look at him as a slave.⁴⁹ And this was the very gist of the *constitutio*. Any remaining doubt is removed by what it

⁴² Written about 211 (P. Krüger, *Geschichte der Quellen* . . . , p. 225).

⁴³ Albertoni, p. 516, n. 2 (with many references); H. Krüger, p. 215; see also Buckland, pp. 315 ff.; Romano (p. 34) suggests that if the *constitutio* did not apply directly the underlying principle was used by way of analogy. Among the older writers, on the other hand, some took it for granted that the *constitutio* referred to the case: e.g., Voigt, *loc. cit.*, and Cuq, *loc. cit.*; Pampaloni, *op. cit.*, p. 128, n. 22.

⁴⁴ Mommsen, *Römisches Strafrecht*, pp. 968 f., 1047 f.; cf. also p. 951.

⁴⁵ With §§ 15-17 very properly presenting a joint discussion of a ransomed convict (see above).

⁴⁶ There is abundance of evidence (see Lenel, *op. cit.*, II, 351 ff.).

⁴⁷ *Vocabularium iurisprudentiae Romanae* (Berlin, 1903 ff.), II, 824, 41.

⁴⁸ Lenel, *op. cit.*, p. 367, n. 2; *Vocabularium*, I, 954, 6.

⁴⁹ See below, pp. 172 f.

demonstrably directed about the ransomed former slave. Prior to the *constitutio*, a captured slave coming home was, *iure postliminii*, immediately restored to the ownership of his master, exactly as a freeman in that situation regained his freedom at once. The fact of the ransom was irrelevant, and the ransomer was simply subject to the common rules applying to any possessor. If he knew (or inexcusably did not know) that he was buying a former Roman slave or if the slave before being taken prisoner was stolen from his master, the master had a *rei vindicatio* to recover him from the ransomer without compensation. If, on the other hand, the ransomer was in *bona fide* in regard to the prisoner's past and the prisoner was not stolen either, he would after a year of possession become owner by *usucapio*, and the former master would lose ownership without compensation. This was the doctrine set forth by such republican jurists as Ofilius and Trebatius, by Labeo and Javolenus⁵⁰ (*D* xlix. 15. 27), and generally referred to by Tryphoninus (§§ 8, 9) as the *ius vetus*.⁵¹ The *constitutio*, however, replaced this ancient law by a new rule which made the ransom the focus of the relation. The essential features are reported by Tryphoninus: "Si quis servum captum ab hostibus redemerit, protinus est redimentis, quamvis scientis alienum fuisse; sed oblato ei pretio quod dedit postliminio redisse aut receptus esse servus credetur" (§ 7). It would seem to follow that the new principle corresponds precisely to what was above⁵² derived for the freeman. Until refunding, *postliminium* was suspended and the *redemptus*, whether

previously a *civis* or a *servus*, was the slave of the *redemptor*. And this would be true whether or not the *redemptor* knew of the former status of the *redemptus*.⁵³ The parallelism is complete.⁵⁴ It is emphasized as such by Dioetian in *CJ* viii. 50. 10 (293)⁵⁵ and plainly proved by Tryphoninus himself in §§ 15-17, where he jointly deals with both cases.

The scope, then, of the two changes agrees perfectly. So does the time. Indeed, the opinion prevailing until a few years ago regarded the *constitutio* as not very much older than Tryphoninus.⁵⁶ But recently an entirely different hypothesis has been suggested⁵⁷ and favorably received.⁵⁸ The *constitutio*, it is said, was later than Tryphoninus and all the classical jurists.⁵⁹ There are, it is true, in *D* xlix. 15. 12 many phrases which were probably not so written down originally. But to state this is one thing, to assert the post-classical character of *Frag.* 12 and generally of Tryphoninus' *Disputationes* another thing. The most that can be admit-

⁵⁰ Only in one respect that knowledge was still relevant and the old rule consistently interwoven in the new. The prior *dominus* could recover the slave by paying the ransom: only within a year's time if the latter was *bona fide*, indefinitely, however, if he was not (Tryph. *D* xlix. 15. 12. 8). It results that a freeman might discharge his *postliminium* any time: *usucapio* did not come into consideration.

⁵¹ There are some differences between freeman and slave in regard to the circumstances under which they were held as *postliminio redisse* (Labeo-Paul *D* xlix. 15. 30; Paul *D* xlix. 15. 19. 4, 5; Sab.-Tryph. *D* xlix. 15. 12. 9; see Buckland, p. 310; De Visscher, "Aperçus sur les origines du postliminium" [above, n. 4], p. 376). But these differences have no bearing on the particularities of a *captivus redemptus*.

⁵² Cf. *nec commercio redempta est*. The parallelism appears also in *CJ* viii. 50. 12 (293). But *servi* . . . *restituentur* may have been added later (so Felgentraeger, p. 99, n. 11).

⁵³ Voigt (*op. cit.*) attributed it to Caracalla and Geta (211-12). In a similar way Cuq (*op. cit.*) and, as far as the *servus redemptus* is concerned (above, n. 43), Buckland, p. 317. For more references see Romano, p. 34, n. 1.

⁵⁴ H. Krüger, p. 215; Felgentraeger, pp. 96 ff.

⁵⁵ See below, n. 136.

⁵⁶ Kaser, *SZ*, LIV, 438, even considers Justinian as its author.

⁵⁰ Javolenus wrote about A.D. 100.

⁵¹ See also Felgentraeger, pp. 97 f. Less correct is H. Krüger (pp. 216 ff.), who points out that the former master even under this rule had a right to recover the slave in return for the ransom. This is neither verified nor compatible with the general idea.

⁵² Pp. 163 ff.

ted is that his work, as far as it exists, seems to show more than average deviations from typical classical diction. This fact, however, may in part very well be due to the jurist's personality and particularly to his extraction, which appears to point to the Hellenistic part of the Empire.⁶⁰ We should at long last stop judging the style of all classical jurists as if they were a single person. Moreover, most of the substance of the painstaking discussion in Frag. 12 is, despite its peculiarities in both vocabulary and construction, of a distinctly classical flavor. So is the method used in handling a remarkable number of those intricate questions which were created by the *constitutio*. And the *constitutio*, after all, speaks for itself. Its device of postponing *postliminium* until reimbursement did what it was expected to do, without affecting the core of such established legal notions as *libertas* and *dominium*.⁶¹ The legislative problem, though imposed by a gloomy political situation,⁶² was technically solved in a manner worthy of a classical draftsman.

Nor is Tryphoninus the only extant author to take notice of the new rule on *servus redemptus*. Discussing the *beneficium abstinenti* of a *suus et necessarius heres*,⁶³ Ulpian (*lxi ad edictum*, D xxix. 2. 71 *pr.*) approaches this problem properly: "Si servum quis alienum ab hostibus redemerit et heredem eum cum libertate instituerit, magis puto fore eum liberum et necessarium heredem." His opinion, it is easily seen, can solely but perfectly be derived from the *constitutio*, which he had no

need to mention expressly, since it was not the subject of redemption with which he was concerned *ex professo*. A slave who before his capture belonged to another may validly be instituted as *heres* and set free in the will of the ransomer, because under the *constitutio* he "protinus est redimentis" (Tryph. D xlix. 15. 12. 7). But, in so deciding, Ulpian feels some scruple (*magis puto*), obviously the same scruple which, in almost the same year, Tryphoninus at the *sedes materiae* (D xlix. 15. 12. 9) elaborately expressed and likewise overcame: the manumission would deprive the prior master of the privilege granted him under the *constitutio* of recovering the slave by paying back the ransom. Tryphoninus seems to put up with this questionable consequence,⁶⁴ while Ulpian, if it is he who said it,⁶⁵ holds the freed slave liable to pay his prior master the value he had himself while a slave. But, whatever Ulpian's view may have been in this respect, his opinion on the basic point as quoted above is strongly supported by Tryphoninus and offers in itself not a single reason why it should be completely reversed.⁶⁶

There is another imperial decree re-

⁶⁰ This comes out plainly in the *quare*-sentence at the close and is also implied in D xlix. 15. 12. 16 *if*.

⁶¹ This is more than doubtful. For symptoms of interpolation see the authors listed in n. 66 and *Ind. int.* Moreover, Ulpian could not have failed to indicate precisely the *actio* for the enforcement of the old owner's claim. Neither could it have been a *rei vindicatio* or an *actio operarum*, even as an *utilis actio*. What the text offers, instead, is a vague statement recalling Justinian's idea of a *pignoris vinculum* (see below, p. 173). The clause *vel maneat . . . solvat* is particularly kindred to the spurious close of Ulp. D xxviii. 1. 20. 1 (*sed . . .*).

⁶² Authors inclined to eliminate from the classical period either the *constitutio* or anything amounting to a *favor libertatis* (see, however, F. Schulz, *Principles of Roman Law* [1936], pp. 220 ff.) suggest that we read: . . . puto <non> fore . . . (Beseler, *SZ*, XLIII, 420; H. Krüger, *SZ*, LII, 351 f.; Albertario, *Studi di diritto romano*, I, 67, n. 5; Felgentraeger, pp. 100 f.; Ehrhardt, *Litis aestimatio*, pp. 45 f.). For a critical study which does not suspect the text see Buckland, pp. 316 f., with whom, however, I agree but in part.

⁶⁰ Kalb, *Roma Juristen* (1890), pp. 121 ff.; Schulze, *SZ*, XII (1892) 129.

⁶¹ For a later overstatement see *Const. Sirm.* 16 (A.D. 408): "quibus iure postliminii et veterum responsa prudentium incolumia cuncta servata sunt."

⁶² See below, pp. 169 ff.

⁶³ See Gai. D xxix. 2. 57. 2; Lenel, *Edictum perpetuum*³ (1927), p. 420.

ferred to by Tryphoninus, this time showing the names of the rulers (*D* xlix. 15. 12. 17): "Ergo de metallo captus redemptus in poenam suam revertetur, nec tamen ut transfuga metalli⁶⁷ puniendus erit, sed redemptor a fisco pretium recipiet, quod etiam constitutum est ab imperatore nostro et divo Severo." The fragment, as pointed out above,⁶⁸ is part of a group (§§ 15–17) that deals with a *redemptus* who, prior to his capture, was sentenced for a crime. If he was deported in *insulam*, he would not be redeported until after the *redemptor* was paid off (§ 15: "quibus casibus redit" [*scil. postliminio*]). If a captured slave was ineligible for manumission, e.g., on account of a *plagium* of which he was convicted,⁶⁹ he would be safe from that discrimination as long as he belonged to the ransomer, who, it is said, had him *sine poena sua* (§ 16). So the ransomer's right under the *constitutio*, as construed by the doctrine, was protected most vigorously. It appeared strong enough to prevail even over the enforcement of criminal law. However, objections to such an extreme view may easily have become vocal. That is why a case about a *redemptus* who was captured while a convict in the mines⁷⁰ was submitted to the emperors. They, however, upheld the doctrine. Their decision was, as *etiam* confirms, but a re-statement of the law of the *constitutio*. The authenticity of the decree reported in § 17 has never been denied. But, to eliminate it as an argument for the greater age of the *constitutio*, some authors have tried to single it out as a "particular case" in-

troduced "in the public interest."⁷¹ It is difficult to understand this reasoning. If, as those writers insist, in Caracalla's time a private individual might *vindicare* his former slave immediately upon redemption without paying the ransomer, the *fiscus* should *a potiori* have enjoyed the same privilege. Hence the decree of § 17 making the *fiscus* liable for reimbursement would have imposed on the *fiscus* a *privilegium odiosum* inexplicable from any point of view. In reality, the decree can be accounted for only as posterior to the *constitutio*, for which, then, it supplies the year 198 as a *terminus ante quem*,⁷² i.e., the same year that suggested itself for other reasons (cf. *supra*, nn. 33 and 41).⁷³

But the inconsistency of the doctrine preferred today seems to reach beyond such detail. On the one hand, it is held that the *civis redemptus* was subject to the power of the ransomer until discharge, and this from the earliest time down through the classical age.⁷⁴ On the other hand, it is believed that the *servus redemptus* immediately reverted to his prior *dominus* without any intermediate power

⁷¹ H. Krüger, p. 221; Felgentraeger, p. 100.

⁷² Severus and Caracalla ruled jointly from 198 to 211. The decree is not likely to have originated from the same rulers who issued the *constitutio*. A greater interval is more probable.

⁷³ The decree of § 17 may be identical with that addressed to one Cocceius Firmus centurio as intimated in Pomponius *i ex variis lectionibus*, *D* xlix. 15. 6: "Cocceio autem Firmo centurioni pretium ex fisco reddendum est." If cited by Pomponius, the decree would have to be antedated by several decades. But there are definite reasons to the contrary. Pomponius appears as still unfamiliar with the *constitutio* (*D* xlix. 15. 20. 2; see above, pp. 162 f.). So he appears again in the first sentence of this *Frag.* 6. Thereupon the sentence quoted above follows abruptly without indicating either Firmus' part in the case or the authority which ruled the repayment of the ransom. The jurist would not have written that way. The sentence was, as suggested by H. Krüger (p. 221, n. 4) and Felgentraeger (p. 100, n. 14), probably added by a later editor in order to bring the opinion up to date. Another instance of such an addition is perhaps offered by Pomp. *vi epist. et variar. lect.*, *D* l. 12. 14. i. f.; see P. Krüger, *Geschichte der Quellen* . . . , p. 193, n. 19; also Mommsen, *Juristische Schriften*, II, 164, n. 36.

⁷⁴ See above, p. 159 f.

⁶⁷ I.e., as a runaway from the mines.

⁶⁸ P. 165.

⁶⁹ Cf. Paul *D* xl. 1. 12. The other illustration is taken from the law of contracts.

⁷⁰ Where he worked for the benefit of the *fiscus*. This is not the place to go into the controversial question of whether or not a *servus poenae* belonged to the *fiscus*. For references see Donatuti, *Bullettino*, XLII (1934), 225 ff.; see also Brasiello, *Repressione penale* (1937), pp. 419 ff., 443 ff.

or claim of the ransom, and this from the earliest time down through the classical age.⁷⁵ There is no way of reconciling these statements. It is clearly absurd to assume that the Romans were more eager to protect and restore the ownership than the freedom of a citizen. Far more plausible in itself seems the parallelism in solving the two problems as it was derived above from the sources. There were, to sum up, two stages. For many centuries, both *civis* and *servus* were *postliminio* restored to their former positions with no consideration of the ransom who made them return. Later, between A.D. 161 and 198, an imperial *constitutio* reversed the scheme for both former *civis* and *servus*: they now simply exchanged the ransom for the enemy as their *dominus* and remained such slaves with no *postliminium* until the ransom was discharged. What, then, were the motives behind that move?⁷⁶

As long as the Roman state was thriving, its foreign policy aggressive and expansive, and the authorities were able to deal effectively with the enemy, it was regarded as an eminently public affair to determine or refuse the redemption of prisoners of war. During the republican era, the senate voting on redemption did so at the expense of the community as an act of *liberalitas* (Cic. *De off.* ii. 63), and the ex-prisoner's liability to refund was, as a rule,⁷⁷ moral or political rather than legal. For the Empire, there is, if I am right, no direct evidence that the senate carried on this activity or that the emperors took it over. It may be that they did.⁷⁸ It may also be that during the first two hundred

years of the principate, in which the relatively few foreign wars could be terminated by treaties providing for the return of Roman prisoners, if there were any, the problem was not a matter of much concern and, in case it arose, might be left to the care of relatives or friends. At any rate, private ransoms, even though not related, no longer needed or requested the consent of the executive power.⁷⁹ Afterward, however, when the frontiers began to be seriously threatened, in the east by the Parthians and in the north by Germanic and Sarmatic tribes,⁸⁰ when strategy and policy took on a defensive character and defeats alternated with victories, the recovery of captives became a serious problem. In the so-called Marcomanian War (166-80) the Romans lost more than two hundred thousand men captured.⁸¹ Marcus Aurelius, while making their release a principal point in his repeated peace treaties with the tribes across the Danube River, seems to have succeeded only in part. The Sarmatians, before returning one hundred thousand men, managed to sell a great number of others.⁸² The Quadi, failing to live up to their promises, retained particularly those that were physically fit to work or be sold.⁸³ In the same way, the Marcomanni,

⁷⁵ Only on this assumption is Seneca's discussion (see above, p. 162) intelligible. Other texts dealing with private ransom do not have equal weight. Tacitus (*Hist.* iii. 34 i.f.) reports on a civil war (see above, p. 164 on *D* xlix. 15. 21. 1), where the victorious general had even ordered not to detain prisoners. Paul *xlv* ad ed. (*D* xxviii. 7. 9) and Paul *vii* ad Sab. (*D* xxiv. 3. 20) are most probably written under the rule of the *constitutio*, to say nothing of the interpolations suspected in the latter fragment (see *Ind. int.*; dissenting, J. Wolff, *SZ*, LIII [1933], 324 ff.).

⁸⁰ For these wars see, e.g., Mommsen, *Römische Geschichte*, V¹, 209 ff. = *The Provinces of the Roman Empire* (trans. Dickson), I, 248 ff., II, 79 ff.; Ludwig Schmidt, *Geschichte der deutschen Stämme: Die Westgermanen*, I³ (1938), 162 ff.

⁸¹ Consider the figures given by Dio lxxi. 11. 2, 13. 4, 16. 2; lxxii. 3. 2.

⁸² *Ibid.* lxxi. 16. 2.

⁸³ *Ibid.* 13. 2, 3; 20. 1.

⁷⁵ See above, p. 166.

⁷⁶ See above, p. 164.

⁷⁷ But see Liv. xxii. 60. 4 (above, p. 161; also at n. 21).

⁷⁸ Cf. the illustration in Quintil. *Inst. orat.* vii. 1. 29: "Dux . . . captus est; euntes ad redemptionem eius legati obvium habuerunt patrem revertentem ab hostibus."

contrary to several arrangements, retained prisoners and added others.⁸⁴ Moreover, while the actual influence of the central government in border provinces was declining, local generals or governors were, frequently enough, either unable or unwilling to take resolute measures in behalf of the prisoners.⁸⁵ Such conditions, still more alarming in the face of dwindling man power, called for reform. One could no longer afford to reject private initiative, even if it was available only on a blunt business basis and this business had to be done with a "genus hominum ad lucrum [potius] vel turpiter faciendum pronius" (Paul *D* xxi. 1. 44. 1).

Slave traders professionally engaged in purchasing from abroad might be of great help in getting captives back, provided they saw some profit in it. However, Roman law as it stood was anything but encouraging to them. The *redemptus* setting foot on Roman territory turned out to be either free or the slave of his former master, while the dealer, as a rule,⁸⁶ had his trouble and expenses for nothing. Something, therefore, had to be done to render the business more attractive to him. The *constitutio* was to serve the purpose. To be sure, it did not secure him a direct profit. For the money paid the enemy he had to give up the *redemptus*. This, however, was all he risked. And there was a possibility, not entirely beyond his power to act upon, that the former freeman might never be in a position to refund the money or the former slave might be un-

able to inform the old master of his return.⁸⁷

These advantages, it is true, were bought at a heavy price. The price was the invasion of such principles as the inviolability of a citizen's freedom and property on Roman soil. But it was not the first time that principles had to give way to political necessities. And in this instance they had, after all, to yield only to come to life again. Without the ransom-er's intervention neither the captured citizen nor the master of the captured slave might have had a chance to see his previous position restored. Was it so unfair to make him pay what he would have paid if he himself had negotiated with the enemy?

There remains, however, another question. If the government, on its own account, could not get all the captured citizens back, why did it not even reinstate them upon return by indemnifying the ransomers?⁸⁸ Several reasons may have concurred. In the last third of the second century the Empire was in financial difficulties.⁸⁹ An emperor endowed with such a sense of responsibility as Marcus Aurelius⁹⁰ may have reacted upon that

⁸⁷ That is probably why the *constitutio* did not require the ransomer to notify the old master (cf. Buckland, p. 317).

⁸⁸ As, e.g., it was provided by the *Code of Hammurabi*, § 32 (see below, p. 175).

⁸⁹ Rostovtzeff, *Social and Economic History of the Roman Empire* (1926), pp. 326 f.; T. Frank, *Economic Survey of Ancient Rome*, V, 76 ff.

⁹⁰ There were three emperors who ruled between 161 and 198 (see above, n. 41) and who must therefore be considered for authorship of the *constitutio*. Among them, Marcus Aurelius covered half of the period and was the most active in legislation. It was again he who, on another occasion, demonstrably impaired the enforceability of ownership in the public interest. After the lapse of five years he granted protection to a man "qui a fisco rem alienam emit" (*Inst.* ii. 6. 14), i.e., a thing which, as a *res furtiva*, could otherwise not be acquired by *usucapio* (see also Theophilus ad *Inst.*). The *tertium comparationis* is evident. A *res furtiva* including a *servus fugitivus* (cf. Paul *Sent.* i. 6a. 7) got out of the owner's hand as much against his will as a *servus captus* (and *redemptus*). A third instance for the prece-

⁸⁴ *Ibid.* 20. 1; lxxii. 2. 2.

⁸⁵ This is already true of the age of Pompeius and Caesar, Strabo xi. 2. 12; Vell. Pat. ii. 42. 1-3; see also Mommsen, *Römische Geschichte*, III⁴, 46 f. = *History of Rome* (trans. Dickson), IV, 59 f.

⁸⁶ Normally, he was, for his own benefit, purchasing a man whom he knew to have been a Roman subject. So he had neither the *fides bona* required for the *usucapio* of a former slave nor an *actio negotiorum gestorum* against a former freeman.

question, as he did on another occasion, when his victorious troops requested a raise of their pay, by replying that what they received in addition to the regular amount would have to be collected from the blood of their parents and kinsmen, i.e., from the taxpayers.⁹¹ Besides, a general prospect of repatriation at the expense of the *fiscus* held out to soldiers going to the front might have been felt harmful to military morale.⁹² Moreover, in a period in which the former prestige of a *civis Romanus* was no longer maintained and a system of burdensome *munera* began to be imposed on him, the unconditional preservation of the citizen's personal status ceased to be a matter of primary import.⁹³ The interest of the state seemed largely satisfied as soon as the prisoner reverted to its territory. Thereupon he might, even as a ransom's slave, be subject to conscription⁹⁴ and rewarded with citizenship if he distinguished himself in the service. The result, at any rate, as seen from the victim's point of view, was hard enough. If he could not ransom himself, he might induce relatives or friends to act for him. The state failed to intervene. It was satisfied with introducing a number of relaxations,⁹⁵ in addition to those which

the doctrine had already initiated, by generously interpreting certain actions of the ransom as a *remittere pretium*.⁹⁶ The main principle, however—i.e., the privilege granted the ransom—stood its ground. *Propter utilitatem publicam*⁹⁷ this privilege was held inevitable, as its denial would make the dealer abstain from ransoming altogether and therefore be harmful rather than beneficial to the prisoner.⁹⁸ In this way the dilemma was voiced by the emperor Honorius at Ravenna in 408 while the Goths were advancing in Italy.⁹⁹ His alternative then seemed still to be what it had been two hundred years before: either security for the *redemptor* or no redemption at all.

III. THE LATE IMPERIAL PERIOD

Meanwhile, conditions were changing in another direction. The enslavement of innocent people could not help arousing the opposition of Christian writers and rulers. From the outset, patristic literature used to extol redemption of prisoners as an outstanding work of humanity and charity.¹⁰⁰ St. Hilary (d. 366) is said to

denance of considerations of public welfare over ownership is presented in the *oratio divi Marci* reported by Ulp. *D* xvii. 2. 52. 10 (see also Paul *Sent.* I. 1a. 30).

⁹¹ Dio lxxi. 3. 3.

⁹² See, e.g., the senate's considerations in the Hannibalic war (Liv. xxii. 59. 1; 60. 7, 18; 61. 1). Even where the prisoner prior to his capture was, as a convict, in the direct control of the *fiscus* (*D* xlix. 15. 12. 15-17; see above, p. 168), the *fiscus* appeared only as entitled, not as bound, to buy him back.

⁹³ See, in general, the discussion of Rostovtzeff, *op. cit.*, pp. 330 ff., 342 f., 370 f.

⁹⁴ So, at least, during the war crises under Marcus Aurelius, who, in calling slaves to arms, referred to the precedent of the Second Punic War (Scr. hist. Aug. *M. Aurel.* xxi. 6; cf. Liv. xxiii. 32. 1, 35. 7, and further references in Westermann, *Journal of Economic History*, II (1942) 151, n. 6.

⁹⁵ See, above all, Diocletian in *CJ* viii. 50. 7, 8, 15, 16, 17, on which see Romano, pp. 25 ff., 36, n. 1, 39;

and H. Krüger, p. 212. According to *CJ* viii. 50. 6, the *redemptus* is also relieved on the ransom's refusal to accept the money (cf. H. Krüger, p. 211); St. Ambrosius (see above, n. 39) does not seem precise enough to furnish counterevidence. The latter rule probably applied also to the *servus redemptus*, though *oblato ei pretio* in Tryph. *D* xlix. 12. 15. 7 must not be pressed this way. A number of the above relaxations were attributed to Justinian rather than to Diocletian by Pampaloni (*op. cit.*) and Taubenschlag (*op. cit.*, pp. 267, n. 3, 276) with apparently no good reason.

⁹⁶ Ulp. *D* xliii. 29. 3. 3; xlix. 15. 21 pr. (cf. Romano, pp. 28 f.); see also *CJ* viii. 50. 2 pr. 11, 13.

⁹⁷ Diocletian (*CJ* viii. 50. 6) referred likewise to *communis utilitatis ratio* (see above, n. 32).

⁹⁸ "... ne ingentis damni consideratio in tali necessitate positus negari faciat emptionem, et inveniamur, quorum libertati consuli volumus, salutis potius obfuisse."

⁹⁹ *Const. Sirm.* 16, abridged in *CT* v. 7. 2 and *CJ* viii. 50. 20. The situation is best presented in the original version.

¹⁰⁰ E.g., Clemens Romanus, *Epist. I ad Corinthos* 55. 2 (ed. Lake, *The Apostolic Fathers*, Vol. I); Zeno of Verona (Migne, XI, 285); Ambrosius, *op. cit.*, II. 70 and 136 ff.

have given away all the silver of his church for this purpose.¹⁰¹ Enormous funds were spent. Some even gave themselves up to the enemy in order to ransom others.¹⁰² Christian ransomers were expected not to look for return, and it was assumed that they did not.¹⁰³ The law, facing the realities of life, could not follow at once. But gradually Christian thought and institutions became too powerful to be ignored.¹⁰⁴ The first landmark was the above-mentioned decree of Honorius (*Const. Sirm.* 16), son and successor of Theodosius the Great, close friend of St. Ambrose. That decree is remarkable by its various measures, as well as its reasoning. Labor in the service of the ransomer for five years was made equivalent to repayment. The *emplores* are urged to realize the length of such a period as compared with the frailty of human life and the divine reward held out for humane deeds on earth. "Christianae [sc. religionis] sacerdotes . . . quorum moribus congruit effectus talium praeceptorum" are called upon to see to it that the decree would actually be observed in practice.¹⁰⁵ In the same way emperor Leo (*CJ* i. 3. 28 [A.D. 468]), relaxing the requirement of wills to save "quod redemptioni relinquatur captivorum," or what he called "pium defunctorum propositum," decided, in the

absence of a *heres institutus*, to put the local *episcopus* in charge of carrying such wills into effect. Justinian went much further in his zeal *pro redemptione captivorum*. There are, from 529 to 545, no fewer than nine pertinent decrees,¹⁰⁶ not to speak of a passage inserted in his *Institutiones* (ii. 1. 8). Under these enactments,¹⁰⁷ lack of co-operation on the part of relatives or instituted heirs in redeeming a prisoner entailed *exhereditatio* as to his estate. On the other hand, exemptions and privileges were provided for transactions promoting redemption inclusive of the sale, otherwise strictly prohibited, of church plate and other things dedicated to the service of God: "animas hominum quibuscumque causis [scr. 'vasis'] vel vestimentis praeferri" (*CJ* i. 2. 21. 2; cf. *Nov.* vii. 8).¹⁰⁸ Supervision and management of all these measures were largely placed in the care of church authorities. Half a century later, Pope Gregory the Great is busy giving his consent to the use of church funds, if needed, to satisfy ransomers of clerics who themselves did not have *unde solvere*.¹⁰⁹

It is obvious that the spirit dominating these imperial decrees and papal epistles could not be reconciled with the late classical rule which made the *redemptus* a slave of his ransomer. Where the *redemptus* was called or treated this way in writings or enactments excerpted for the *Digest* or *Code*, Justinian had systematically to resort to interpolations which are now

¹⁰¹ Migne, L, 1230.

¹⁰² Clemens, *loc. cit.*; Gregor. Magnus *Dialog.* iii. 1 (Migne, LXXVII, 216 ff.).

¹⁰³ Cf. Augustine, *Sermo* cxxxiv. 3 (Migne, XXXVIII, 743). The diatribe of Salvian of Marseilles, *De gubernatione Dei* vi. 18 (Migne, LIII, 130): "Omnes quippe captivi, cum semel redempti fuerint, libertate potiuntur. Nos semper redimimur [sc. 'de barbaris'], et numquam liberi sumus" can hardly be used for evidence.

¹⁰⁴ The impetus of the church was here more vigorous and unmistakable than on the general issue of abolition of slavery (for this see Westermann in *PW*, Suppl., VI, 1067 f.).

¹⁰⁵ See the concise summary given in the *Interpretatio ad CT* v. 7. 2: "Sane Christianos qui redemptioni studere debent pro captivis volumus esse sollicitos."

¹⁰⁶ *CJ* i. 2. 21; *cod.* 23. 1, 3; i. 3. 48; i. 4. 11; vii. 53. 36 *pr.*; *Nov.* vii. 8; *cxv.* 3. 13; *cxix.* 9. 10; *ccxli.* 11.

¹⁰⁷ For more detail see Buckland, p. 311.

¹⁰⁸ That point was made before by Ambrose (*op. cit.* ii. 136-38 [Migne, XVI, 147]); see *inter alia*: "Mellus fuerat ut vasa viventium servares quam metallorum. . . . Ornatus sacramentorum redemptio captivorum est." See also Ambros. *Epist.* xviii. 16 (Migne, XVI, 1018).

¹⁰⁹ *Epistulae* (*Monumenta Germaniae historica, Epistulae*, Vols. I, II) iii. 40; iv. 17; vii. 13; ix. 52.

commonly accepted as such.¹¹⁰ That is why in his compilation references to the slave condition of the *redemptus* are scarce and implied,¹¹¹ why the rule of the *constitutio* on freemen together with its commentaries has not left any direct trace,¹¹² why the texts in their present form explicitly reject the *servilis condicio* of the *redemptus*¹¹³ and, instead, make him *pignoris vinculo teneri*.¹¹⁴ What, however, was meant by that *pignoris vinculum*? The term appears, strangely enough, exclusively in the interpolated passages. It is never used where Justinian speaks under his own name. Borrowed probably from Greek¹¹⁵ and Hellenistic¹¹⁶ thought, the non-Roman idea of a freeman kept as a pledge and bound to work off his debt seems to have commended itself to the compilers. They welcomed it as a device convenient to take advantage of a number of texts on the *redemptus* without branding him as a slave.¹¹⁷ But evidently it was this negative alone which the compilers really cared for. Even the texts referring to *pignoris vinculum* or a similar term applied the phrase solely to deny its existence or persistence in the given cases. The only fragment putting it in a more affirmative way¹¹⁸ (*D* xxviii. 1. 20. 1)

drops any distinctive feature and comes down to a *vinculo quodam retineri*, the vagueness of which cannot easily be surpassed. Vague and lifeless, indeed, is the whole concept as it appears in the compilation. Not a single practical implication is in evidence. Neither a liability to live with the ransomer nor a duty to work for him or any other obligation was derived from or related to the mysterious *vinculum*. It was probably never designed to mean more than a liability to discharge the ransom. If it was, it did not work out. Gregory (*Epist.* vii. 13) thinks of *redemptores* as mere *creditores mutuae pecuniae*. He, vice versa, deals (*Epist.* iii. 40) with one *diaconus* who "de hostibus se redemptum ac propterea debitum habere commemorat" and orders the allocation of the money so that the cleric "a debiti possit necessitate cui est suppositus liberari." Justinian (*Nov.* cxv. 3. 13 *i.f.*) requires a *redemptus* whose relatives borrowed money for ransom to ratify that loan and to feel himself bound as though it was he who had contracted the debt: τὰ τοιαῦτα συναλλάγματα βέβαια ἡγεῖσθαι καὶ τοῦτοις ὡς ἰδίοις ὀφλήμασιν ἐνέχεσθαι. That is all. It amounts to a simple relation of creditor and debtor, which is supported rather than contradicted by the rule that the borrowing parties are directed and authorized to pledge their own property and/or that of the prisoner, if there is any. Personally, the *redemptus* is a free man, and nobody may dare seize or hurt him. His Christian neighbors are urged to see to it "ut Romanos captivos qui reversi fuerint nemo teneat, nemo iniuriis aut damnis adficiat." Such is the emperor's unqualified warning (*CJ* i. 4. 11), grafted, strangely enough, on the decree of 408 (*CT* v. 7. 2. 4) and thereby completely reversing its meaning.

If this was the final word of Roman law

¹¹⁰ The first to disclose them was Pampaloni (*loc. cit.*). For further references see Romano, pp. 12 ff.; cf. also H. Krüger, p. 203.

¹¹¹ See above, pp. 163 f.

¹¹² Above, pp. 165 f.

¹¹³ *CJ* viii. 50. 2 *pr.*; *D* xxviii. 1. 20. 1; see also *D* xlix. 16. 8.

¹¹⁴ This or a similar phrase in *CJ* viii. 50. 2 *pr.* § 1; *cod.* 8; *cod.* 11; *cod.* 13; *D* xxx. 43. 3; xlix. 15. 15; *cod.* 19. 9; *cod.* 21 *pr.*; see also *D* xxviii. 1. 20. 1.

¹¹⁵ Under the Law of Gortyn, VI, 46 ff., the ransomed man ἐν τῷ ἀλλοσημένῳ ἔμεν, πρὶν κ' ἀποδοῖ τὸ ἐπιβάλλον ("He shall until reimbursement be with the ransomer as a pledge"). For this meaning see the careful discussion of Albertoni, pp. 358 ff.

¹¹⁶ Albertoni, pp. 378 ff.

¹¹⁷ With respect to this point see Albertoni, pp. 524 f.; concurring, Romano, pp. 40 f.

¹¹⁸ *D* xlix. 15. 19. 9 is neutral.

about the *homo liber redemptus*,¹¹⁹ things seem almost to have reverted to the point where, many centuries earlier, they had taken their departure. Once more, he was, after his return, immediately restored to his old status with no power over him vested in the ransomer; only his liability to refund, formerly as a rule a mere political or moral indebtedness, was now regarded as a legal obligation. Once more, private ransoming tended to take on the character of unselfish help offered by relatives or friends with slave dealers automatically withdrawing where lack of security made business risky and unprofitable.¹²⁰ Once more, ransoming did not have to rely on their co-operation; it became again as public a concern as the war which caused the captivity; only the authorities in charge of the task changed from the state to the church and the driving force behind the move was charity rather than national ambition. All this development, it is easily seen, was but a reflex of contemporary conditions in the Roman world. The early commonwealth, while vigorous and given to action, reserved as a purely political affair the right to deal with prisoners of war. Later on,

¹¹⁹ No parallel development is perceptible for the *servus redemptus*. With respect to him, the post-classical law maintained the rule of the *constitutio*, of which otherwise not a single trace would have come down to us. Not even the decree of 408 (*Const. Sirm.* 16; cf. *CT* v. 7. 2. pr. § 1), despite its "*culiuslibet sexus condicionis aetatis*," seems to take account of former slaves: "*habitueros incolumem, si in ea nati sunt, liberatam*." The Christian age, so eager to restore the freedom of freemen, did not particularly care whether a ransomed slave now belonged to the old owner or the ransomer. The *Lex Visig.* v. 4. 21 (*Recessvindus*), on the other hand, while drawing upon the *Interpretatio* on *CT* v. 7. 2, applied that rule only to slaves. This, however, cannot be discussed here.

¹²⁰ In general, slave trade from across the Danube was still flourishing; for the fifth century see Dopsch, *Wirtschaftliche und soziale Grundlagen der europ. Kulturentwicklung*, II² (1924), 365, n. 106; 456. For the following centuries see *ibid.*, pp. 175 f. The last two passages are also found in the condensed English edition: Dopsch, *The Economic and Social Foundations of European Civilization* (1937), at pp. 348 and 232, respectively.

with the state power on the decline and no longer aggressive in all its concerns, private initiative stepped in and grew to the extent that at last the task was entirely yielded to the individuals involved: business interests took the place of political management, private law invaded a public domain. Ultimately, however, the pendulum swung back after the feudalistic system of economic compulsion had crippled most of the independent inland trade and the rising influence of the church put the range of public responsibilities on a much broader basis.

IV. FOREIGN INFLUENCES?

The foregoing analysis will, it is hoped, have shown how, in successive periods of Roman history, the problem was, more or less satisfactorily, met with rational considerations. There was nothing un-Roman about them,¹²¹ except the *pignoris vinculum*, and this served as a mere stop-gap bare of practical implication.¹²² Nor was the late classical way of regarding the *redemptus* as a slave of the ransomer peculiar to the Romans. Other ancient systems knew of the same device. For a citizen taken prisoner and ransomed, Attic laws¹²³ directed that τοῦ λυσαμένου ἐκ τῶν πολεμίων εἶναι τὸν λυθέντα, ἐὰν μὴ ἀποδιδῶ τὰ λύτρα (*Demosth. ag. Nikostratos* (or. 53) 11 [p. 1250]). True ownership, it seems, was vested in the ransomer,¹²⁴ and this is supported by inscriptions from Attica as well as from Phocis. Incidentally, outside captivity in war, where a freeman or a slave, whether kidnapped or fugitive, was sold abroad, the right of recovery also appears dependent on reimbursement in a

¹²¹ Above, e.g., pp. 170 f.

¹²² Above, p. 173.

¹²³ They seem in this respect to differ from the law of Gortyn (n. 115); Albertoni, pp. 511 f.

¹²⁴ See, in general, also above, n. 7.

number of treaties concluded between Greek city-states.¹²⁵

More to the point is old Babylonian law. Separate provisions of the Code of Hammurabi¹²⁶ are devoted to the freeman and the slave. Section 32, dealing with the former, reads:¹²⁷

Where a dealer ransomed either a soldier or a "fisherman"¹²⁸ who was carried off [i.e., captured] in a campaign of the king and enabled him to reach his city, if there be ransom in his house, he will ransom himself; if there be not ransom in his house, in the temple of his city he will be ransomed; if there be not ransom in the temple of his city, the palace will ransom him. His field, his garden and his house will not be given for his ransom.

The rule on the slave (§§ 280, 281) is probably the product of a clumsy contamination of two independent provisions on the part of the draftsmen.¹²⁹ Eliminating, according to Koschaker's suggestion, the

provision not pertinent here, the rule would read:

Where a man purchases a male or female slave of a man in a hostile country and he comes back into his own land and the owner of the male or female slave recognizes his male or female slave, the purchaser will declare before god¹³⁰ the money which he paid and the owner of the male or female slave will give the dealer the money which he paid and will recover his male or female slave.

The emphasis placed in § 280 on "in a hostile country"¹³¹ would imply that the situation primarily, if not exclusively, referred to was likewise captivity in war.¹³² The basic premise, then, in both § 32 and § 280-81 is that the ransomer did not have to release the prisoner unless and until he recovered the price. In neither case does the *Code* clearly state the legal nature of the ransomer's right. The party entitled to recover the redeemed slave from the dealer (§§ 280-81) is, of course, the former owner. In § 32 the burden of reimbursing is plainly apportioned between prisoner¹³³ and authorities in such a way that his subjection to the ransomer was, as a rule, not supposed to last long.

¹²⁵ For references and detail see Albertoni, pp. 504 ff.; Felgentraeger, pp. 63 ff.; also Lammert, PW, XIV, 71 ff. (s.v. *Ἀνταγοή*). On prisoners of war and modes of ransoming in the Hellenistic period see, in general, Rostovtzeff, *The Social and Economic History of the Hellenistic World* (1941), pp. 192 ff., 197 ff., 202 ff., 1514, n. 48: "The ransoming (*Ἀνταγοή*), it must be emphasized, was as a rule a private affair" (p. 204); cf. also Wilhelm, *Akademie der Wissenschaften in Wien, philosophisch-historische Klasse, Anzeiger* (1924), pp. 97 ff.

¹²⁶ Enacted probably in the twentieth century B.C.

¹²⁷ These renderings generally follow the latest translation of the code: Ellers, "Die Gesetzesstele Chammurabis," *Der alte Orient*, Vol. XXXI (1932). They have been checked upon with C. H. W. Johns, *The Oldest Code of Laws* (1903); R. F. Harper, *The Code of Hammurabi* (1904), and Koschaker (n. 7), pp. 85 f.

¹²⁸ The meaning is controversial. It has been interpreted, e.g., as "sailor," "hunter," "light-armed man," "constable," "man in care of military supplies" (see Ellers, *op. cit.*, p. 69).

¹²⁹ Koschaker, *op. cit.*, pp. 85 ff., esp. 105 ff. His assumption, though not provable in an exact manner, carries a high degree of persuasion. Either of those two conjectured provisions would be plausible in itself, while what is now § 280 defies explanation. See also Ellers, *op. cit.*, p. 53, n. 2; Felgentraeger, pp. 53 f. Dissenting: David, *Tijdschrift voor Rechtsgeschiedenis*, XVI (1938), 377, n. 3.

¹³⁰ The requirement of a declaration under oath in analogous situations is familiar to other early systems; see, e.g., *Lex Visig.* v. 4. 21 and, for the Jewish law of the Mishna, Felgentraeger, p. 90, n. 11.

¹³¹ This meaning of *i-na ma-at nu-ku-ur-tim* is authenticated, as Dr. Thorkild Jacobsen in Chicago was kind enough to advise me; see also Ellers, p. 53. To construe the phrase as "in a foreign country" (so Harper, *op. cit.*, p. 95, Koschaker, *op. cit.*, pp. 85 ff., Felgentraeger, pp. 54 ff., David, pp. 377 f., 382, 385, n. 4) is easily misleading to assumptions on which the text is silent, as, e.g., that a slave fleeing abroad was there once more enslaved or that he was stolen and forcibly taken abroad.

¹³² The broader term may have been chosen to include a slave seized in peacetime within a country with which there were no relations sanctioned by a treaty of friendship. Roman law, e.g., extended *postliminium* to persons thus captured (Pomp. *D. xlix. 15. 5. 2*; Tryph. *D. lxi. 15. 12 pr.*).

¹³³ Whose burden is essentially limited to his money and movables.

The regulation appears far more definite and generous¹³⁴ than that of Justinian,¹³⁵ to say nothing of the *constitutio*. What Hammurabi and the *constitutio* have in common is, after all, only the ransomer's temporary right in the *redemptus*, i.e., an idea widely spread in the ancient world and easily conceived where a dealer is permitted to enter the affair. To assume, therefore, that in regard to the *servus redemptus* the Romans borrowed the idea from Babylon¹³⁶ seems unwarranted in

every respect. The time interval of more than two thousand years with no evident connecting link¹³⁷ and the experiences in other cases of conformity between cuneiform and Roman laws¹³⁸ should serve as a warning. A device which other nations were able to introduce was certainly not beyond the reach of the Romans. The changing developments as pictured above do not include a single essential point to indicate a reception from outside the Roman world.

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¹³⁷ Extant Greek or Hellenistic sources do not happen to deal explicitly with a captured and ransomed slave (see above, n. 115 and pp. 174 f.). But, even if they did, their dependence on oriental rules would first have to be established.

¹³⁸ See, above all, Koschaker, *SZ*, XLIX (1929), 193 f., and *Zeitschrift der deutschen morgenländischen Gesellschaft*, LXXXIX (1935), 29 ff., esp. 33. Cf. San Nicolò, *Atti del Congresso internazionale di diritto romano* (1934) (Roma), I, 264 ff.; Volterra, *op. cit.*, pp. 83 ff., 245, 262 ff.

¹³⁴ See also *Codex Hamm.*, §§ 27, 28.

¹³⁵ See above, pp. 172 f.

¹³⁶ So Felgentraeger, pp. 92, 101, 122 f. His book would, as far as the ransomed slave is concerned, surely have arrived at a different result but for the complete disregard of the ransomed freeman in both Babylonian and Roman systems. Most of the objections of David (*op. cit.*, pp. 377 f., 381 f., 385 f.) are well founded. Felgentraeger's point of view was accepted by Kaser, *SZ*, LIV, 437 f.; see also brief remarks of Schulz (n. 66), p. 73, n. 3; and Volterra, *Diritto romano e diritti orientali* (1937), p. 252.

TITULI ASIAE MINORIS, II, 508

PART I. INTRODUCTION, TEXT, AND COMMENTARY

J. A. O. LARSEN

THIS inscription, re-edited by E. Kalinka in 1930, was first published by R. Heberdey and Kalinka in 1897.¹

In this edition there was no indication of date, and the first fourteen lines, on account of the difficulty of deciphering them, were omitted. As it stood, the document teemed with problems but was only moderately interesting and would naturally impress the reader as belonging to the period after the loss of Lycian independence, from which the majority of inscriptions referring to the Lycian League date.² In the new edition Kalinka, on the basis of the forms of the letters, dates the document in the first part or middle of the first century B.C. This date, coupled with the reference to *archostatai* in line 23, makes it one of the most important of all Lycian inscriptions. It supplies the link, hitherto missing, between the Lycian constitution described by Strabo and the institutions known from inscriptions of the imperial period. In addition, it throws considerable light on Lycian institutions in general and particularly on the use of foreign judges by the League. Under the circumstances it seems desirable to devote a study to the document and to attempt to restore the text somewhat more fully than Kalinka has done. The basis for this must be Kalinka's line drawing (reproduced in Fig. 1). It is realized that this is unsatisfactory, for the best of epigraphers may

make mistakes in copying a badly preserved inscription. Yet nothing better will be available for long, if ever.

Thus the purpose of this paper is to make a more full, even if tentative, reconstruction of the text, to see whether an examination of the contents verifies or contradicts the date assigned the document by Kalinka, and to bring out the importance of the document for a study of the general history of Lycian federalism.

The stone is described as a block of limestone 0.55 m. in height, 0.91 m. in breadth, and 0.43 m. in thickness, broken at the top and on the right; "Buchstaben sehr verwaschen, besonders im oberen Theile"; height of letters, 0.01-0.012 m. In the Heberdey and Kalinka edition there is the further statement: "anscheinend auch unten gebrochen." This statement is not included in *TAM*, and the line drawing given there suggests no break at the bottom. Apparently Kalinka, in the interim between the two editions, has concluded that the stone was not broken at the bottom, and the further examination of the document inscribed on it will tend to support this conclusion. The very fact that there could be any doubt on such a fundamental point suggests that the stone probably is limestone of poor quality with many irregularities, particularly toward the bottom, where the last line is inscribed. This may account in part for the irregularities in the carving and spacing of letters. This, however, is merely a plausible deduction, for the descriptions in both editions are very brief. At the right upper corner the break is diag-

¹ "Bericht über zwei Reisen im südwestlichen Kleinasien," *Denkschriften der kaiserlichen Akademie der Wissenschaften, phil.-hist. Classe*, Vol. XLV (Wien, 1897), Abh. 1, p. 21, No. 7; reproduced with some emendations in *IGR*, III, 681, where the inscription incorrectly is listed under Patara instead of Pinara.

² Cf. *IGR*, III, 681, n. 4.

nal, so that only about half as much of the first four lines is preserved as of lines 8 ff. The inscription is non-stoichedeon, the letters are cut irregularly, and some of the lines are indented at the beginning; but this appears not to indicate any division between sections or sentences but to be due to carelessness or indifference. In some cases there is a blank space between letters, and this is as likely to occur in the middle of a word as in any other place. Thus it is impossible to give the exact number of letters per line, but it seems clear that for the greater part of the inscription only a few letters at the end of the line have been lost. The restoration at the end of line 22 seems almost certain, and the difficulties within the line do not affect its length. This gives forty-five letters, including eight supplied at the end, though the text renders one symbol as a diacritical mark and so shows only forty-four. Likewise the restoration of line 7 (my own) appears correct, at least in the number of letters, and shows forty-eight letters, of which eleven have been supplied at the end. Thus, with the approximate length of line established, it should be possible to reconstruct tentatively the preserved part of the inscription. In the version suggested below, the number of letters supplied in proportion to the space available varies somewhat, but hardly out of proportion to the irregularities found in other parts of the document. It is natural to suppose that the right margin was just as irregular as the left. It is possible that the character of the stone increased the irregularities in our inscription; yet the irregularities in spacing, in the size of letters, and in the margins—both those observable in the left margin and those implied for the right margin by the restorations suggested—are little, if any, greater than those found in a considerable number of Lycian inscriptions both of approxi-

mately the same period and of other periods. This can be tested easily by a glance at the illustrations in *TAM*, Volume II.³ In the text of 508, lines 5-7 are indented two letter spaces and all following lines one additional letter space, except for line 16, which is indented two letter spaces beyond the others in this group. The line drawing (Fig. 1) rather suggests irregularity, with several of the lower lines beginning as far to the left as the first lines. The text is given below line by line but without any effort to reproduce this irregularity.

An attempt to determine the general nature of the document will be made next, since some knowledge of the kind is essential for the study of the details. Though the lower edge appears not to have been broken, it is clear from the contents that we do not have the end of the inscription. From Figure 1 it also appears that at the bottom the stone was inscribed to the very edge. In fact, the blank space between the last line and the edge appears to be less than the height of a letter. It thus seems that the stone was a part of a larger monument and that the inscription was continued on the block below the one preserved and possibly on other blocks as well. The part preserved contains an enumeration of the services of the person honored, together with references to honors bestowed on him by various cities. The man's name has been given in all likelihood in the first line on our stone in the accusative as the object of *ἐρείμῃσεν* or some similar word,

³ Only a few illustrations will be cited: 168 (dated B.C. by Wilhelm) shows irregularities in both margins and a considerable variation in the size of the letters; it contains a list of contributions, but the entries are, for the most part, run continuously and not on the system of one man per line. 420 (reign of Tiberius) has both margins very irregular and considerable variation in the size of letters. 583 (period of independence) has the left margin regular but the right margin very irregular and, like our document, shows several blank spaces between letters, some of them in the middle of words. 174 and 175 show similar irregularities at a considerably later date.

expressed or understood. In the part preserved, which does not make a complete sentence in spite of its length, this name is modified by a long string of participles. If Kalinka is right in taking the markings above the first line as ornamental, it appears that we have preserved a few traces of the very first line inscribed on our block and probably of the entire document. This means that the introductory statement was very brief and omitted the common references to the distinguished ancestors of the man honored and the record of the offices he had held in his city and in the League. This is because all emphasis is placed on his recent unusual services—the conducting of a festival in his own community and the furnishing of supplies, horses, and weapons to the *hipparch* of the League (ll. 1-4). It is possible that this is connected with some of the not infrequent hostilities of the first century B.C. and that the festival celebrated the return of peace. It is also likely that many of the games celebrated in other cities and mentioned in lines 5-18 were connected with similar celebrations. The monument was erected soon, but not immediately, after these celebrations, for in two cases more recent benefactions are indicated by *ἐνανχος*, while in the case of Pinara two successive—and, if the festival in line 2 was staged there, three successive—benefactions are indicated in a different manner. Then in line 19 *πριν* marks the transition to references to honors and services at earlier dates. Here Caria (l. 20) is mentioned alongside of Lycian cities. Apparently, since the man honored was a Lycian, his services to Caria are grouped together with those to Lycian cities in opposition to his services to the Lycian League. Then follow services to this League—the performance of embassies; largesses to foreign judges, federal *bouleutai*, *archostatai*, and former magistrates;

and services in connection with the administration of justice (ll. 21-27). Finally in line 27 there seems to begin a general statement concerning the high character and standard of conduct of the man honored. This may well have been followed by a record of the offices he had filled in his city and in the League.

The services rendered consist largely of gifts to defray the expenses of games and the like, the conduct of games, and the distribution of largesses. These records contain extremely few statistics, but the general impression is that of a rich man who was very free with his money and had a special fondness for games in the form of animal hunts of various kinds. That the services and honors of such a man should be recorded in such a slipshod inscription is a puzzle, but there seems to be nothing to do about this.

It is possible to venture a guess at the exact nature of the document. The construction (name in accusative modified by participles) is possible after *δεδοχθαι τετελεμνησθαι* in decrees in which the reasons for the honors have already been recorded in another form.⁴ Here, however, the preceding statements are relatively full, while the statements that follow usually are much briefer than that in our document, so that this alternative is pretty definitely excluded. There remain two alternatives: the record on a monument set up by a private individual or individuals honoring a friend or a benefactor⁵ and the records of a man honored by a city or the League in which, without giving the full form of a decree, the agent bestowing honors is given as the subject of *ἐτελεμνησεν* expressed or understood.⁶ Since records of the latter

⁴ Cf. *IGR*, III, 473, 474, 704, II A, and some of the documents in the Opramoas inscription (*ibid.*, III, 739).

⁵ Cf. *ibid.*, 494, 513, 526-27, 530, 534, 667, etc.

⁶ Cf. *ibid.*, 481, 488-91, 495, 514, 516, 603, 628, 642, 680, 692, 733, 764, etc.

kind are by far the more numerous, in all likelihood our document belongs to this class.⁷

It seems possible to take the further step and conclude that the document probably is a record of honors bestowed by Pinara. The inscription comes from a monument at this city, and in it Caria and a number of cities of western Lycia are mentioned. From this Kalinka concluded that the man honored probably was a native of Tlos or Pinara.⁸ The emphasis on western cities—only one city in eastern Lycia is mentioned—and on Caria

⁷ Kalinka has restored in this manner the lost headings of similar documents, namely, *TAM*, II, 582 (Tlos), 583 (Tlos), and 667 (Cadyanda).

⁸ Commentary on *TAM*, II, 508. The statement that the cities mentioned belonged exclusively to western Lycia is not quite accurate, for Corydalla (I. 13) belongs to eastern Lycia (see maps of Heberdey and Kalinka, *op. cit.*, p. 57, and A. H. M. Jones, *The Cities of the Eastern Roman Provinces*, facing p. 29).

certainly suggests a man from western Lycia; but nothing can be concluded from the provenance of the document, since full records of honors bestowed by one city could well be recorded on a monument in another city. More important is an analysis of the document. The detailed record of gifts to various cities begins with a record of a gift of money to Tlos for *kynegia*, etc. (l. 5). Apparently the donor simply supplied the money and was not present in person. Hence it is unlikely that the man was a native of Tlos. Next follows the repeated presentation of *kynegia*, etc., at Pinara (ll. 6–7). In this case the donor apparently conducted them in person. Next, in connection with the gifts to Cyanæae, the fact that the donor was present in person and did not merely send money as in the case of the gifts to Tlos



FIG. 1.—After *Tituli Asiae Minoris*, Vol. II, p. 191 (enlarged)

FIRST CENTURY B.C.

- [Πιναρῶν ὁ δῆμος ἐτείμησεν ca. 20 δόντα
 παν]δ[η]μίαν [δημοθου]ρίαν παν[ή]γυριν· καὶ ἐφάμιλλον γεγονό-
 τ[α] ἀρίστοις τῶν Λυ[κ]ίων ἰδικῶς· κα[ὶ] πορίσαντα χορηγί-
 5 αν κα[ὶ] ἱππο[υ]ς καὶ [δ]πλα ἱππάρ[χ]ω [καὶ] περαιτέρον αὐτῷ τούτῳ]
 σκηνήν· κ[αὶ] δ[ό]ντα Τλωεύσιν [ἐ]πίδο[σιν] εἰς κυνήγια καὶ προκυνή-
 γ[ια] καὶ ἀργυρικὰς ἐπιδόσεις κ[αὶ] τε[τ]ε[ι]μη[μένον]· καὶ
 δόντ[α] Πιναρῶσιν κυνήγια καὶ προ[ο]κυνήγια κα[ὶ] ταυροβόλια]
 καὶ ἀργυρικὰς ἐπιδόσεις πρῶτον κα[ὶ] πάλιν θηριο[μάχια] παν-
 τοῖα· κ[αὶ] ἐναντί[ον] δόντ[α] [Κ]υνανί[ται]ς κυνήγια κα[ὶ] {προκυνή-}
 10 προκ[υνήγ]ια καὶ ἀργυρικὴν ἐπίδοσιν, καὶ πάντα τὰ εἰς ἀργυρι-
 κὴν ἐπ[ιδό]σιν [ἐ]φ' ἱερὰ [Κιναι]θου κ[αὶ] Ταμί[ου] καὶ Λοσατίου [καὶ] ἀρ-
 γυρικὴν ἐπ[ιδό]σιν κ[αὶ] θηριο[μάχια] κα[ὶ] τ[α]υρο[βόλ]ια καὶ [δόν-
 τα] Κορυ[δα]λέ[υ]σιν κυνήγια καὶ προκυνήγια καὶ ταυροβό[λ]ια καὶ ἐν-
 15 ανχ[ο]ς δόντ[α] π[ερ]αίτερο[ν] εἰς κοιν[ή]ν κ[υκλι]κὴν διμήνη[ον] θυσιαν· καὶ
 δό[ν]τα Τλωέ[υ]σιν κ[υνήγ]ια καὶ προκυνήγια καὶ τὰς σε[ι]τομετρίας]
 καὶ ἀργυρικὴν ἐπίδοσιν ἕναν[χο]ς καὶ τετεμη[μένον]· καὶ
 δόντα Τελ^ομησσεύσιν κυνήγια κ^οα^ι προκυνήγια μ[ηνός]
 Δύστηρον [καὶ] ἀργυρικὴν ἐπίδοσιν πρῶτ[ον] καὶ [τε]τεμη[μένον]
 τ[ε]τεμη[μένον] δὲ πρ[ι]ν καὶ ὑπὸ Σιδυμέων καὶ Βα[λ]βουρέ[ων] καὶ Λυ-
 20 δατῶν καὶ Καλυνδίων καὶ ὑπὸ τῆς Καρίας^ο προεῖσο[ν] διάσαντα]
 μυριάδας ἀτόκους ἢ λ^ο πρεσβεύσαντα τρεῖς ὑπὲρ τῆς Λυκίας·] <δόντα>
 τοῖς μὲν τῶν ξενοκριτῶν δ' [συ]σ[τ]ήμασιν ἀνά ,ε, π[ᾶσι] δὲ βου-
 λευταῖς καὶ ἀρχοστάταις καὶ τοῖς τὰς κοινὰς τετελε[κ]όσιν ἀρχὰς
 ἀ[νά] δ' εἰς δεξάμενον ἀόκνως τὰς διενγηύσεις τῶν ἐπικλήτων, τὰς τε
 25 ἐγδ[ικ]εῖας διοικήσαντα καθαρῶς καὶ ἀδωροδοκῆτως [πρὸς τὴν τοῦ σε-]
 μονάτου δικαιοδότη καὶ τὴν τῶν ξενοκριτῶν δ[ικα]λά-
 χεσιν· καὶ δίκαιον καὶ μεγ^οαλόψ[υχον] ἐν τοῖς θε[ο]ι[s]

The demos of Pinara (?) honored . . . , who gave to the whole people a festival with a banquet, and who personally ranked among the best men of the Lycians and furnished the hipparch with supplies and horses and arms and in addition a tent for his own personal use; and who gave to the people of Tlos a sum of money for doghunts and preliminary doghunts and the distribution of money and was honored; and who gave for the people of Pinara doghunts and preliminary doghunts and bullfights and a distribution of money first once and, again a second time, all sorts of animal fights; and who was personally present and gave to the people of Cyanaea doghunts and preliminary doghunts and a distribution of money, and everything needed for a distribution of money at the sanctuaries of Kynaithos (?) and Tamios (?) and Losatios (?), and a distribution of money and animal fights and bullfights; and who gave to the people of Corydalla doghunts and preliminary doghunts and bullfights and recently gave in addition money for public bimonthly sacrifices; and who recently gave to the people of Tlos doghunts and preliminary doghunts and distributions of grain and a distribution of money and was honored; and who gave to the people of Telmessus doghunts and preliminary doghunts in the month of Dystrus and a distribution of money for the first time and was honored; who has been honored also earlier by the people of Sidyma and of Balbura and of Lydae (?) and of Calynda and by Caria for having lent 300,000 drachmas without interest; who thrice served as an ambassador in behalf of Lycia; who gave to each of the four divisions of foreign judges five thousand drachmas, and to all bouleutai and archostatai and former holders of federal magistracies two hundred drachmas each; who, without hesitation, took upon himself the furnishing of bail for those summoned to appear before the courts and, honestly and without taking bribes, served as advocate before the court of the most august epistates and the panel of foreign judges selected by lot; and who has been just and high minded. . . .

is emphasized by *ἐναντίον*. The absence of any such adverb in connection with Pinara suggests that he was a citizen and that his presence there is taken for granted. This cannot be considered anything but a plausible conjecture. It must also be admitted that the later part of the inscription records games, apparently conducted in person, in other cities without the use of the adverb.

In the text given (p. 181) an effort is made to give, *exempli gratia*, a continuous text. There are also some departures from Kalinka's text within the preserved parts of the lines. Another difference is that, while Kalinka has placed practically all doubtful letters within brackets, I have not bracketed but merely marked as doubtful letters parts of which are preserved. Most frequent are Λ read as an imperfect or partly obliterated alpha or delta, and upright lines counted as parts of eta, kappa, nu, pi, or rho. An omega marked as doubtful generally means that the line drawing shows \bigcirc ; omicron and omega are alike except that omega has a horizontal line under the circle and that the circle sometimes is placed a little higher.

Line 1.—The restoration of the first part of the line is completely conjectural and is based on the reconstruction given above; *δόντα*, frequently used in the document, almost certainly belongs somewhere in the last part of the line.

Line 2.—The restorations, except for the insertion of *καί*, are by Zingerle, cited by Kalinka. The latter himself rejects $\pi\alpha\nu[\eta\gamma\gamma\upsilon\rho\upsilon\varsigma]$ as not in accordance with the traces on the stone and reads $\mu\alpha\nu[\tau . . .]$, but there seems to be no word beginning thus that will fit the context. Since the traces of the mu are faint and irregular and since pi is the next best fit, the latter probably is correct. Some adjective or adverb beginning with $\pi\alpha\nu$ - is likely; $\pi\alpha\nu\eta\muε$ -

$\pi\lambda\alpha\nu$ would fit the space, but a banquet lasting all day does not make too good sense. The difficulty with Zingerle's reading is that it is necessary to take $\delta\eta\mu\omicron\upsilon\iota\alpha\nu$ as an adjective: "a festival, including a banquet, given to the entire people." The two first words in all likelihood are correct. At any rate, efforts to fit other equally satisfactory words into the space have ended in failure. The line drawing shows no traces of letters to the left of the delta, and it is possible that the line was indented and that $\pi\alpha\nu$ - stood at the end of line 1. The reference must be to the entertainment of the people of a city. Such an inclusive banquet could hardly be offered the entire League. Moreover, the word regularly used for the Lycian people is *ethnos* and not *demos*. It is natural to see here reference to special services to the city conferring honors parallel to the special services to the League listed immediately afterward. The restoration at the end of the line cannot be regarded as certain but fills the available space and gives the required meaning—that of prominence in the League. The starting-point for any effort to amend in a different manner must be $\acute{\alpha}\pi\iota\sigma\tau\omicron\iota\varsigma$ in line 3.

Line 3.—The only absolutely clear letter in $\tau\hat{\omega}\nu$ is the omega; but, since $\Lambda\Upsilon$ also is clear, this is enough to make the reading of the beginning of the line fairly certain. If Λ and \bigcirc are read as an imperfect delta and omega respectively—something that must be done frequently throughout the inscription— $\iota\delta\iota\kappa\hat{\omega}\varsigma$ agrees quite well with the lines on the stone. Between the two letters are three uprights, of which the second and third are crossed by a horizontal bar somewhat below the middle in such a position as to fit no letter. This latter mark, by the way, seems to be ignored by Kalinka, and it seems natural to suspect a fault in the stone. In the present reading the first upright is read as an iota, and

a kappa is thought to be concealed in the other confused markings. These, as a matter of fact, resemble somewhat the second kappa in line 4. This certainly fits the traces fully as well as Kalinka's eta rho. If the crossbar already discussed had been farther to the left, it might have been taken as the crossbar of the eta placed unusually low; but, as it is, it does not help Kalinka's reading at all. The adverb probably can be understood in the sense that the man honored individually, or as an individual, ranked among the leading Lycians. It must be admitted, however, that the chief reason for suggesting the word is that nothing better has been found. Kalinka's $\kappa\lambda[\eta\rho\omega]\sigma[\nu]?$, as he apparently is aware, does not fit the context at all. Moreover, it is difficult and almost impossible epigraphically. The upright before Λ is too close to have been the upright of a kappa, unless the letter was crowded in an unusual manner, while it also is difficult to find room for the loop of the rho on the last upright before Ω . The restoration of the rest of the line depends on line 4 and will be discussed in connection with it.

Line 4.—The word that is clearest is $\iota\pi\acute{\alpha}\rho[\chi]\omega$, about which there can be no doubt. In this case the omega is perfectly clear. After it there is a short upright line that may well be the lower part of an iota, but this is uncertain, since there is no other dative singular in the inscription to indicate whether or not iota adscript was used. It may also be taken, as is done here, as a part of a kappa. In any case it seems better to take the noun as a dative rather than to read $\iota\pi\acute{\alpha}\rho[\chi]\omega[\nu]$ (genitive plural?) with Kalinka. Therefore, I have concluded that the reference apparently is to supplies furnished the *hipparch* by the man honored and that $\sigma\kappa\eta\eta\eta\eta$ may mean a tent that probably was given for the personal use of the *hipparch*. On this basis I have given a tentative continuous restora-

tion of lines 3–5. The *hipparch* and other officials of the League with active military or naval duties belong to the period of independence and normally are mentioned in later inscriptions only among ancestors of contemporary figures (cf. commentary of Kalinka, and Jones, *op. cit.*, p. 106). Hence the word tends to confirm the date assigned to the inscription by Kalinka.

Lines 5–6.—With the entry concerning Tlos in these two lines begins a long series of records of donations given to and honors received from cities. In these records $\epsilon\pi\acute{\iota}\delta\omicron\sigma\iota\varsigma$ is frequently mentioned and is regularly used, both in the singular and in the plural, for largesses of money. For this meaning of the word see Adolphe Kuenzi, *Ἐπίδοσις* (Bern, 1923), page 63. In fact, the word may not be used in Lycian inscriptions at all for collections made for a special purpose. Records of collections in which the word does not seem to be used are *TAM*, II, 168 (Hippocome) and 550 (Tlos). But *epidosis* can also be used in general for a gift, and this must be the meaning in line 5. For $\epsilon\iota\varsigma$ cf. $\delta\acute{o}\nu\tau\alpha$. . . $\epsilon\iota\varsigma$ in *TAM*, II, 261a. 12–13. The meaning is then that the donor gave money to be spent for certain purposes including a largess of money. Since almost all gifts recorded are connected with animal hunts of various kinds and since *kynegia* and *prokynegia* are the ones most frequently mentioned, the restoration suggested is very likely correct (for the games see further the commentary on l. 7). Apparently the donor did not conduct the games or distribute the largesses in person but merely supplied the necessary funds. The use of the perfect participle without any further elaboration to indicate the honors voted by the city in question (here Tlos) recurs repeatedly in the inscription.

Line 7.—In this line, $\kappa\upsilon\nu\eta\gamma\iota\alpha$ and $\pi\rho\omicron\kappa\upsilon\nu\eta\gamma\iota\alpha$ occurs for the first time reasonably clearly. For the combination with

ταυροβόλια cf. line 13. Undoubtedly *kynegia* means some kind of *venatio* in which dogs were pitted against other animals (cf. κυνήγιον . . . ταύρων καὶ θηρίων [OGIS, 533. 7-8]). *Prokynegia* appears to refer to some sort of preliminary games (cf. IGR, III, 631 and commentary). As such it seems peculiar to have it follow *kynegia*, as it does repeatedly and, apparently, regularly in our document. The order may be due to the feeling that the inclusion of the preliminary games represents a greater munificence than the production of *kynegia* alone. ταυροβόλια, restored here, is certain in line 13. If this refers to the religious rite of the *taurobolium*, the inscription cannot be earlier than the second century of the Christian era. Hitherto it has been held that the earliest datable reference to the rite is to be found in a Pergamene inscription for A.D. 105 (IGR, IV, 499). However, the connection in which the word is used in our inscription rather suggests some form of bull-baiting. Several kinds of bull-baiting and games—some of them decidedly reminiscent of the rodeo—were common in Thessaly and Asia Minor from the time of Augustus and on (see s.v. "Taurokathapsia," Ziehen, P.-W., VA, 24-27, and Cahen, Daremberg-Saglio, V, 50-52), and it is natural to believe that they were not new at the time. Until recently ταυροβόλια was not known to have been used as a name for such a game, but there is now a clear example in an inscription from Ilium from imperial times (AJA, XXXIX [1935], 590, No. 3). This has suggested that also in the Pergamene inscription already cited (IGR, IV, 499) the reference may, after all, be to a bull-chase rather than the well-known religious rite (A. D. Nock, CAH, XII, 419). These two documents are relatively late, but a reference to games in which rams and not bulls were used occurs in a Pergamene inscrip-

tion of the second century B.C. (OGIS, 764.27 and n. 36; cf. Espérandieu, s.v. "Taurobolium," Daremberg and Saglio, V, 46). Thus it is not at all impossible that ταυροβόλια may have been used in a similar meaning as early as the first century B.C.

Line 8.—The restorations are by Kalinka, except παντοῖα (ll. 8-9). Though there are many difficulties, the reading is plausible. In πάλιν the one symbol that is most clear is Λ, which, on account of its position, is best taken as alpha. The meaning is that after the completion of the first series of *venationes* the donor conducted another series. Instead of repeating the names in detail these are described as "all sorts of animal fights."

Lines 9-12.—Donations to Cyaneae and temples within its territory. Since κυνήγια καὶ προκυνήγια regularly appears in this exact form in our document, the space at the end of line 9 is best accounted for by following Kalinka in imagining a dittography. The use of ἐναντίον emphasizes that the donor conducted the games and distribution of largesses in person. Then follows (ll. 10-11) a statement that he supplied everything necessary for the distribution of a largess at the temples of certain gods; the names of the latter are a mystery. Hence there is nothing to do but to reproduce the letters on the stone as well as possible. I have followed the reading of Kalinka. After this comes another largess and additional games. It is not perfectly clear whether these, too, are to be connected with the temples or whether they represent an additional donation to the city. It is doubtful whether the passage has been read correctly. It would simplify matters if there were somewhere another καὶ δόντα followed by the name of the people of another city, but there seems to be no room for the words.

Line 12.—In this line Kalinka reads

μονομάχια where I read τ[α]ρ[ο]μ[α]χία, but the latter seems to fit the markings on the stone somewhat better. In its favor is also the fact that the inscription contains many references to *venationes* but no reference to gladiatorial combats. For the passage cf. π[ρ]οκυνή[γι]α καὶ ταυρομάχια καὶ θηρομάχια in TAM, II, 287 (= IGR, III, 631), 13-14. Liddell, Scott, and Jones give ταυρομαχία, ἡ, "bullfight," and cite—together with other evidence—IGR, III, 631, where this form is given; but TAM, II, 287, uses the neuter plural and the line drawing shows that this is correct. Our inscription regularly uses the neuter plural in the names of *venationes*. It may be worth noting that, if Kalinka's reading is accepted, this need not affect the dating of the document. Antiochus Epiphanes is said to have introduced gladiatorial combats in the east (Livy xli. 20. 11-13), Lucullus exhibited gladiators at Ephesus (Plut. *Luc.* 23), and Strabo (xiv. 649) refers to an amphitheater at Nysa in Caria. Thus in the latter part of the first century B.C. gladiatorial combats may have been performed in several places in Asia Minor. Consequently, gladiatorial combats in Lycia in the first century B.C. cannot be ruled out as impossible. I have not had access to L. Robert, *Les Gladiateurs dans l'orient grec* (1940).

Lines 13-14.—For ἐνανχος cf. line 16. The word is clearly used to distinguish between earlier and more recent donations. In line 14 KOIN has inevitably suggested a donation to the League, and Kalinka restores εἰς τὸ κοινόν. This is certainly incorrect. The entry comes in the middle of a long record of donations to cities, and an offhand reference in this place to a donation to the League would be most unlikely. Moreover, the emphasis, after the mention of an earlier donation, on an additional recent donation, indicates that the beneficiary of the latter also was the

same city, namely, Corydalla. In general, it is well for students of political institutions to remember that *koinos* and *koinon* have a multitude of meanings and not to jump to the conclusion that the reference must be to a league. Nor does there appear to be room on the stone for the article without extreme crowding in a line which otherwise appears to be liberally spaced. For the restoration suggested at the end of the line cf. δόντα . . . εἰς τὰς θυσίας in TAM, II, 261a. 12-13 (cf. b. 18-19). If my restoration is correct, the meaning probably is that an endowment was given to finance for the future a sacrifice performed by and for the community every two months. Another possibility is ἐορτήν; Kalinka's ἐπίδοσιν is less likely.

Lines 15-16.—Again the recent donation to Tlos is distinguished from the earlier (ll. 5-6) by ἐνανχος. At the end of line 15 ΤΑΞ, which is perfectly clear, can hardly be anything but the article. There follow traces of a horizontal line, which, on account of its position, can be the upper stroke of a gamma, xi, pi, or sigma. This, in turn, is followed by an upright, which may be an iota or part of an epsilon or eta. The choice of the word to be supplied is further limited to something that will make sense in connection with games and largesses. Kalinka suggests σιτήσεις. My preference for σιτομετρίας is due to the fact that the word occurs in inscriptions in the sense of "distribution of wheat" (OGIS, 533. 29) and related meanings (Wilhelm, *Mélanges Glotz*, pp. 899-908).

Lines 17-18.—The text here seems fairly clear. That must mean for line 17 several vacant spaces both in the middle of the line and at the end. The use of πρῶτον must mean either that the donation recorded is the first of the kind ever given to the city or the first by the particular donor.

Lines 19-20.—References to honors by various cities and Caria without indication, except in the case of Caria, of the services rewarded by these honors. The name of Lydae is not quite certain, but the choice is limited by the fact that the ending *-αῶν* is almost certain. This would fit Gagae, but the slight remains of a letter before this ending would fit a delta but not a gamma. Hence Gagae must be ruled out. A possibility, however, is Trebenda (*IGR*, III, 704. i. 10; Ruge, P.-W., VIA, 2267-68). If spacing were used in the inscription to indicate division of sections, it would appear that the loan of 300,000 drachmas without interest had no connection with Caria, but similar spacing occurs in other places within words (ll. 17, 27) and therefore cannot be considered too significant. Moreover, the loan cannot be connected with the embassies next recorded and is left entirely isolated unless it is connected with Caria. In spite of the many irregularities in the inscription, it is possible that the spacing before and after the phrase in lines 20 and 21 is used for emphasis. The reference to Caria is something of a mystery, since the most frequently mentioned Carian organization of the period is the Chrysaoric League (Strabo xiv. 660; *OGIS*, 234 and 441; LeB.-W., III, 399; Theophil Klee, *Zur Geschichte der gymnischen Agone* [Leipzig and Berlin, 1918], *passim*), but this problem cannot be discussed here. The use of Caria as the name of a country or state—and probably the similar use of Lycia in the next line—is remarkable.

Line 21.—The restorations are those of Kalinka. Another possibility is *ὑπὲρ τῆς πατρίδος* (cf. *IGR*, III, index of "Res municipalis," p. 652), but it is more likely that the embassies in question were undertaken on behalf of the Lycian League. The law courts mentioned in the next line appear to be federal, and the *bouleutai*,

etc., of lines 22-23 certainly are federal. Hence there is a transition from services rendered cities to services rendered the federal government, and the only place there is room for an indication of this transition is at the end of line 21. *δόντα*, or something of the kind, is absolutely necessary in connection with what follows, but it is unlikely that there was room for the word at the end of the line, and it seems necessary to believe that it was omitted inadvertently.

Line 22.—In spite of the many difficulties, the text seems reasonably secure. After *τῶν ξενοκριτῶν* a dative must be supplied to agree with the article at the beginning. Kalinka's reading fits the traces on the stone fairly well, *συνελοῦσιν* (G. Fougères, *De Lyciorum communi*, p. 119, n. 3; *IGR*, III, 681) not at all. The delta, read as a numeral, was not marked as such (as is the lambda in the preceding line), or the mark has been obliterated. The particle *δέ*, however, seems out of the question, and so it seems natural to take the symbol as a numeral. Consequently, we can conclude with some hesitation that the *xenokritai* were organized in four bodies or panels. For *ἀνά*, used as here in connection with the distribution of largesses, cf. *IGR*, III, 473 and 493.

The next symbol is best taken as a mark showing that the following symbol indicates a number of thousands, though it differs slightly from the normal symbols listed by Larfeld (*Handbuch der griechischen Epigraphik*, I, 426). Judging by his text, Kalinka has taken it as a drachma symbol and has concluded that the epsilon must stand for 5,000. This is much less likely, for the drachma symbol used in other Lycian inscriptions of the first century B.C. (*TAM*, II, 168, 550-51, and 650) differs radically from the symbol used here. In any case, it is reasonably certain that the epsilon indicates 5,000 and not

5, for the largesses were distributed on the basis of a certain sum for each panel of judges; a gift of 5 drachmas to an entire panel of judges just would not make sense.

Lines 22-23.—The perfectly clear pi at the end of line 22 makes the restoration of the end of that line almost certain. Likewise the restoration of the end of line 23 is fairly certain, though I can cite no parallel. For other records of gifts, or endowments for gifts, to *archostatai* and generally others see *IGR*, III, 473, 492, and 739—all from the period after the loss of independence (the money is given in *denaria* [*sic*]). In none of these later documents are former magistrates as such mentioned in connection with the largesses. Probably at least the Lyciarchs had been given permanent membership in the *boule*, somewhat like the *sacerdotes* of the western *concilia* and so ex-magistrates no longer remained a class to be given special consideration. If so, our document belongs to a period before this change had been introduced.

Line 24.—Kalinka reads $\pi\rho\theta\sigma\delta\epsilon\acute{\alpha}\mu\epsilon\nu\omicron\nu$; but, as the interrogation point indicates, this does not correspond at all to the traces of letters shown in his drawing. My reading takes Λ as an imperfect alpha, the preceding upright as a part of a nu, and assumes only in the case of the first letter in the line, which looks like part of an omicron or omega, that the condition of the stone is such as to be completely deceptive. Moreover, it assumes that the line over the sigma indicating that it is a numeral has been omitted or obliterated, as in the case of delta in line 22. In the present case the omission of any indication that the letter is a numeral would cause no confusion. It can be taken for granted that the size of the gifts was indicated. Kalinka, apparently, believed that there was a drachma sign followed by a

numeral at the end of line 23, but that would make the line unusually long. Moreover, we should expect the use of $\acute{\alpha}\nu\alpha$ (cf. l. 22 and *IGR*, III, 473 and 493). The sum of 200 drachmas per recipient is surprisingly large, but fits fairly well with the 5,000 drachmas given to each panel of judges. If also each judge received 200 drachmas—which, of course, is not certain—there were 25 judges in each panel. It is more likely that the number of judges was smaller and the largess to each judge, therefore, considerably greater. This point will be discussed below.

The line further records that the benefactor honored assumed the task of giving surety of some kind. Kalinka reads $\epsilon\pi\iota\kappa\epsilon\phi\alpha\lambda\alpha\iota\omega\nu$ ("poll taxes"). This might seem to fit better imperial times than the first century B.C. However, it would be perfectly possible that a tax of the kind was collected in Lycia for the benefit of the federal government and that at some time of stress some wealthy man undertook to guarantee the payment of the tax for his city. However, $\epsilon\pi\iota\kappa[\lambda\eta\tau\omega\nu]$ (Fougères, *op. cit.*, p. 119, n. 3; *IGR*, III, 681), which here would mean those accused or summoned before the courts, suits the context much better. For this meaning of the word Liddell, Scott, and Jones cite only one example (Dio Cass. lxxviii. 21), but $\epsilon\pi\iota\kappa\alpha\lambda\epsilon\acute{\iota}\nu$ frequently means "to bring an accusation against" someone (see the examples of Liddell, Scott, and Jones and *SGDI*, 2049 and 2072). The furnishing of surety or bail for appearance in court was common in Greek legal procedure. The practice, naturally, is best known for Athens, but there are indications that it was employed in other parts of the Greek world (see Josef Partsch, *Griechisches Bürgschaftsrecht*, I [Leipzig, 1909], *passim*, and particularly the statement that in civil cases an Athenian always could demand surety from non-Athenians [p. 90]

and the treatment of the procedure in criminal cases [pp. 371-85]). For a few illustrations see the furnishing of guarantors by those responsible for the condemnation of the generals after Arginusae (Xen. *Hell.* i. 7. 35); the complaint of a speaker that he had not been permitted, like other *xenoi*, to furnish guarantors but had been kept under arrest (Antiphon v. 17); the oath of Athenian *bouleutai* not to imprison an Athenian who furnishes the proper bail unless certain specified charges have been brought against him (Dem. xxiv. 144-45; Bonner and Smith, *The Administration of Justice from Homer to Aristotle*, II, 151); bail to secure release from prison (Mitteis and Wilcken, *Grundzüge und Chrestomathie der Papyruskunde*, II, ii, No. 101). From the context it seems safe to conclude that in the present case bail was furnished for a number of men summoned to appear before a court of the *xenokritai*.

Lines 25-27.—Not only did the benefactor supply bail for the men that were to stand trial, but he also undertook to serve as their advocate before the court of the *dikaïodotes* and the *xenokritai*. There is a number of meanings for *ἐκδίκος* (cf. Brandis, P.-W., V, 2160-61, s.v.), and one of them is that of an advocate representing others before a law court and particularly one who represented a city before some outside authority. At the end of line 25 Kalinka has [ἐπὶ τοῦ σε-, but it seems natural to think that the preposition used governs also τῇν . . . ὁ[ι]αλά]χουσιν, and for action before a law court πρὸς with accusative appears to be the natural preposition (Liddell, Scott, and Jones, s.v., C, I, 7). Kalinka himself is doubtful about ὁ[ι]αλά]χουσιν, a word not found in the *Lexicon*, but I have in vain tried to find something better. The word must be used to designate a group selected by lot. It is impossible to say whether this means one of

the panels or a group of judges selected from among the members of all panels. Undoubtedly, the *semmotatos dikaïodotes* will suggest to many the Roman governor, but the expression may designate some other official connected with the administration of justice, and a high-sounding title is no more out of place in late Hellenistic than in Roman times.

δικαιοδότης is used in the following meanings:

- a) To designate the *iuridicus* of Egypt (Strabo xvii. 797; regularly in the papyri [Rosenberg, P.-W., X, 1151, s.v. "Iuridicus"]; *Inscript. Corinth Gk.*, 75, 76, 80 [IG, IV, 1600], and 81).
- b) To designate *legati iuridici* (IGR, IV, 1212 and 1307 [Dessau, 8842]).
- c) To designate *iuridici* of parts of Italy (IGR, I, 1481; IV, 1212 and 1307).
- d) In an inscription from Tabae in Caria,⁹ which by references to events a few years earlier can be dated ca. 40 B.C., it is applied to an official of the city or possibly of the Chrysaoric League (see commentary on ll. 19-20).
- e) In one inscription it is used to designate a high official (described as a *ducenarian procurator Augusti*) at Palmyra under Odenathus (IGR, III, 1045 [OGIS, 646]; cf. 1040-44).
- f) It is applied in a Spartan inscription (IG, V, 1, 485; cf. II², 4210) to a legate of Hadrian in Achaëa whose exact position it is difficult to determine (PIR², I, No. 355) but who probably was a *corrector* (Econ. Surv. of Rome, IV, 439, n. 4).
- g) To designate governors of provinces. It is once so used by Josephus (*Ant. Jud.* xviii. 1. 1) concerning the governor of Syria. Otherwise I know of no examples except from Lycia (cf. David Magie, *De Romanorum iuris publici sacrique vocabulis*

⁹ Louis Robert, *Études anatoliennes* (Paris, 1937), pp. 324 ff. The date is fixed by a reference to Dolabella. Robert certainly is right in his conclusion that the title *autokrator* applied to him proves that the Dolabella in question must have been the consul of 44 B.C. (Robert's "consul en 43" must be a slip) and not the proconsul of ca. 66 B.C., though this date has later been given in *M.A.M.A.*, VI, 145, No. 93b*.

sollemnibus in Graecum sermonem conversis [Leipzig, 1895], pp. 28, 87). Even here it is not the normal title, as can be seen by a glance at *IGR*, III, pp. 618-19, s.v. *πρεσβευτής*, etc. In Lycia it appears to have been common on monuments to governors to give the name and title or some looser indication of his position, followed by an honorary appellation. In some cases this was *ἀγνὸν δικαιοδότην* (*TAM*, II, 569 and 571 [*IGR*, III, 558 and 557]); in one case, apparently, *εὐεργέτη καὶ κτίστῃ καὶ δικαιοδότη ἀγνῶ* (*TAM*, II, 563 [*IGR*, III, 551]); and in another case the reference to virtues is more general (*TAM*, II, 277 [*IGR*, III, 616]). On two monuments to men that almost certainly had served as governors there is no indication of this, but the appellation "*soter* and *euergetes*" is used (*TAM*, II, 133 and 134 [*IGR*, III, 520 and 523]). The latter appellation, or *soter* alone, is common on monuments to emperors (e.g., *IGR*, III, 609, 610, 644, 665, 719, 756-60). These examples suggest that *dikaiodotes* was not so much a title for a governor as an honorary appellation—or a part of such an appellation—almost on a par with *soter* and *euergetes*. The adjective coupled with the noun shows the high regard in which the Lycians held an honest judge. This, as well as the fact that in Lycia and Pamphylia the duties of the governor probably were primarily judicial, explains the practice of describing the governor less formally merely as the *dikaiodotes*. As far as I have observed, this usage does not occur in monuments to governors or in official records of their acts but is found on monuments to members of a governor's family (*TAM*, II, 21, 568, 570, 594 [*IGR*, III, 1510, 1511, 559, 562]) and in a reference to honors received by a Lycian from governors (*TAM*, II, 287 [*IGR*, III, 631]). A sort of halfway stage is marked by a short inscription in which the governor's name and title is followed by *τὸν δικαιοδότην* (*TAM*, II, 131 [*IGR*, III, 522]).¹⁰ The use of the corresponding verb

remains to be considered. Lucius Antonius was quaestor in Asia in 50 B.C. and remained to govern the province as proprætor in 49 B.C. He is honored in two inscriptions by the *demoi* of Pergamum as patron and *soter* *δικαιοδοτήσαντα τὴν ἐπαρχίαν καθαρῶς καὶ δικαίως καὶ ὀρίως* (*IGR*, IV, 400, 401). In connection with Augustus' organization of Spain, Strabo (iii. 166 f.) uses the future participle of the same verb to describe the duties of the governor of Lusitania and the present in connection with the duties of the governor of Tarracensis. It is clear here that the word refers to the civil duties of the governors and particularly to the administration of justice.

It would appear from this study of the word that *δικαιοδότης* is not merely a translation of *irudicus* (Magie, *op. cit.*, p. 28), though it was the most convenient Greek word to use as an equivalent. It seems that, at least in parts of Asia Minor, it was used as a title for a judge and apparently with an implication of dignity and prominence. This is shown clearly by the inscription from Tabae, which is approximately contemporary with, or slightly later than, our document. The latter now furnishes a second illustration. This interpretation is supported also by the use of the related verb at Pergamum as early as 49 B.C. This older usage made it natural for the Lycians to apply the word to their governors as a complimentary title.

The accompanying adjective, *σε]μνό-τατος*, is almost equally troublesome. If the inscription were late, it would be natural to suppose that the word is an equivalent of one of the honorific adjectives applied in Latin to members of the senatorial or equestrian orders. But there is no evidence that it was so used, and the word is not even listed in Magie's Index. Moreover, both the *mu* and the *nu* are clearly read on the stone, and this makes our reading fairly certain, or at least rules out all normal adjectives used in the titles of

¹⁰ In *TAM*, II, 21, Kalinka restores [ἀγοράζον δικαιοδότην]. The wording and spacing are such that some modifying adjective must be assumed.

senators and knights, even *διασημώτατος*, a late equivalent of *perfectissimus*. It may seem foolish to refer to knights, since the governor of Lycia and Pamphylia, whether the province at a particular moment was imperial or senatorial, was a senator. The Greek adjectives, however, were not used with complete regularity, and *κράτιστος* particularly was applied both to senators and to knights, being used for senators as early as the reign of Hadrian (Magie, *op. cit.*, p. 31). This irregularity in the use of Greek adjectives, the common application of two adjectives to senators instead of having only one clear equivalent of *clarissimus*, and the early occurrence of one of these appellations—all these factors suggest that the Greek titles were not merely translations of the Latin but, rather, older titles given a more specific application. In the process some of the Greek titles may have fallen by the wayside or have been continued or revived for use in other connections, as was the case with *σεμνότερος* (e.g., *SIG*³, 894; *SGDI*, 4195; *IG*, XII, 8, 388 and 537). So far I have succeeded in locat-

ing only one example from the Hellenistic age.¹¹ The usually helpful Index of Dittenberger, *OGIS*, has the entry *epitheton ornans passim*. A glance at a large part of his collection and an examination of many other indexes suggest that the word is not so common as this entry implies. On the other hand, the *Lexicon* shows that *σεμνός* was applied early and not infrequently to humans, and the use of the superlative in the manner of our inscription would be natural in any environment in which fulsome praise was used. That this would not be unnatural in Asia Minor in the first century B.C. is suggested by the language of some of the Lycian inscriptions of the period of independence (*TAM*, II, 168, 261, 264, 583) and of some inscriptions from the early period of the province of Asia (given in the first part of *OGIS*, II).

(To be continued)

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¹¹ The application of the adjective in an inscription of 136/5 B.C. to Ptolemy VII, Euergetes II, "Cleopatra the Sister," and "Cleopatra the Wife" (Wilcken, *Archiv für Papyrusforschung*, V [1913], 416, l. 10). For its application in the third century of the Christian Era to Hermopolis see F. Preisigke, *Wörterbuch*, III, 199, under "Ehrentitel."

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PLATE I



A NEW ARCADIAN INSCRIPTION

A NEW ARCADIAN INSCRIPTION

DAVID M. ROBINSON

RECENTLY there has come to my collection through a dealer a bronze tablet¹ (Pl. I) said to have come from Kalavryta near the great monastery of Megaspelaion. This was the site of Kynaitha, the capital of the little Arcadian clan of the Kynaitheis. According to the dealer, the tablet was said by some to have been brought to Kalavryta from the site of Kleitor (five hours away), but according to others it came from Lykosoura.² It is unfortunate that it is impossible to find out the exact provenience, as it would help in the interpretation. If it had been found at Lykosoura, it would throw light on the cult of Demeter at that famous shrine, and we might almost consider the modern name of the site, Stala, to be connected with *Ztrepaion* in line 1. The interchange of rho and lambda is frequent in ancient³ and modern Greek. But

¹ Greatest breadth as preserved, 0.253 meter; height, 0.10 meter; thickness, 0.001 meter. Width of ruled divisions from top to bottom, 0.013, 0.015, 0.011, 0.012, 0.013, 0.012, and 0.013 meter. Height of letters, from 0.006 (o, θ) to 0.011 meter (ε). Often traces of original preliminary lines under or near final cuttings can be seen. Original edges preserved on all sides except at left. But, of course, there could have been one or more tablets above. The beautiful green patina is worn away in a few places, exposing the original bronze color. I am indebted for criticisms to Professor Carl Darling Buck, with whom many years ago I took a course in Greek dialects.

² For the excavations at Lykosoura and the cult of Demeter there, cf. Kavvadias, *Fouilles de Lykosoura*; Leonardos in *Αρχ. Έφ.* (1895), pp. 263-74; (1896), pp. 101-30, 217-42; (1898), pp. 249-72; (1899), pp. 43-52; Kourouniotes, *Πρακτικά* (1906), pp. 120-23; (1907), pp. 112-13; *Κατάλογος τοῦ Μουσείου Λυκοσούρας* (1911); Dickinson and Kourouniotes, *BSA*, XIII (1906-7), 357-404, with discussion of the date of Damophon, who also restored the temple of Zeus at Olympia (169-165 B.C.) and the Athena Parthenon (165-160 B.C.), according to Dinsmoor (*AJA*, XLV [1941], 422-27). The hillock on which the sanctuary was located is called "Terze," which might be reminiscent of Ztera (cf. Frazer, *Pausanias*, V, 623).

³ The lisping Alcibiades pronounced rho like lambda (cf. *Class. Rev.*, LVI [1942], 72).

I am more inclined to think that the tablet was really found somewhere near Kleitor or Lousoi. Many antiquities have been brought from those two places to Kalavryta but few from Lykosoura, which is too distant for such transport. At Lousoi the Austrians excavated and discovered several similar bronze inscribed tablets.⁴ They were attached by nails to pieces of wood and hung in shrines or temples.⁵ At Kleitor the most important cult was that of Demeter. Pausanias says: *Κλειτορίους δὲ ἱερὰ τὰ ἐπιφανέστατα Δήμητρος τὸ τε Ἀσκληπιῶν*,⁶ whereas, at Lousoi, Artemis was the important deity.⁷ If the provenience were definitely known, it might lead to the identification of the unknown site of *Δέραια*, which Stephanus of Byzantium (s.v.) says was a πόλις Ἀρκαδίας and which may be mentioned in the first line. In any case the inscription is in the Arcadian dialect and adds much to our knowledge of Greek dialectology with its new words and forms. It helps us to understand the history of the Greek language and contributes to the study of Greek civilization, religion, and politics. Dating from the sixth century B.C. or possibly the early fifth, it is one of the earliest inscriptions to mention the cult of Demeter Thesmophoros and the only Arcadian inscription so far known to have this epithet. It also

⁴ Cf. *Jh. Oest. I.*, IV (1901), 64-89; *IG*, V, 2, 387-410. For bronzes at Kleitor and Aigion cf. *IG*, V, 2, 401; and Robinson, *AJA*, XLI (1943), 172 ff.; Pindar *Nem.* 10. 45-48.

⁵ Cf. *Jh. Oest. I.*, loc. cit.; *BCH*, XXXVIII (1914), 450 f., where several bronze tablets with proxeny decrees from Arcadia are cited. Bronze tablets were particularly in favor in Arcadia.

⁶ viii. 21. 3.

⁷ In *IG*, V, 2, 410, are published two pieces of a similar bronze tablet brought to Kalavryta from Lousoi, with similar spelling: *δαρχμας ἐκτορνὸν ὀφλίν*.

seems to show that priests and officials, such as *damiorgoi*, in earlier days received perquisites of hides or garments of hides, anticipating the later legislation of Lycurgus in the fourth century, where we hear of τὸ ἀργύριον τὸ ἐκ τοῦ δερματικοῦ.⁸

original right side, and we have the first line of the final section of what was probably a longer inscription. Only five (or in some cases four) letters are missing at the left, but even so the restoration is difficult, and, in view of other possibilities, that

εἰ ζῖς] πα φέσεται Ζεραῖον λῶπος,
 ιερὸν ἔναι ταῖ Δάματρι θεσμοφόροι.
 εἰ ζῖς] με ὑνιέρωσε, ἰδ' (δ)υ(σ)μενὲς ἔασ(σ)α ἐπὲ(ς) φέργω
 εὐθὺς ζ' ἐξόλοιτ' καὶ ὄξ'ις τὸτ' ἑδαμοφόργε,
 5. ἀφάε]σται δαρχμὰς τριάκοντα. εἰ δὲ με ἀφάεσται,
 ὀφλὲν] τὰν ἀσέβειαν. ἔχε ὁδε κῦρος δέκο φέτεα ἐνα-
 γίξεν] τὸδε.

TENTATIVE TRANSLATION

If any woman anywhere shall be wearing a hide-garment of Deraea, it is to be consecrated to Demeter Thesmophoros. If one does not consecrate it, then if she is ill-disposed toward her religious rite and work, she is to be put to death at once; and whoever was demiurgus at the time, is to remit thirty drachmas. And if he does not remit, he is to be charged with impiety. Let him have authority for ten years to expiate this matter.

COMMENTARY

At the right, words are complete, with space left after them, except at the end, where some seven or eight letters had to be carried over into a short last line with a vacant space following. This shows that we have the end of the inscription, the

given in the text is *exempli gratia* or tentative. It would seem that there must have preceded our inscription some decree or, rather, a list of religious regulations, as in the famous Andania inscription (*IG*, V, 1390, where in l. 117 there is also mention of *damiorgoi*), and these could easily have been on other bronze plaques hung in the temple above ours and now lost.

Line 1.—Perhaps we should read γυνέ (= γυνή) if our interpretation of ἔασ(σ)α is correct, but only three letters seem to be missing after εἰ. So the restoration of ζῖς is possible (see ὄξ'ις in l. 4), but ὄξ'ις is also possible if *κατανέναι* or some word of dedication is restored in line 2. The letter π is certain from the traces, especially the

⁸ Cf. the Arcadian inscription (*IG*, V, 2, 432, l. 38): τὸ δὲ δῖσμα καταδίδουσαι; and Attic and other inscriptions (*IG*, I², 188, l. 14): τὸ δὲ μάρχο τὸδε τὸ δῖσμα; *ibid.*, II² 136, l. 5, and II–III², 1496. Cf. also Dittenberger, *Sylloge*³, 47. 35; 63. 5; 624. 35; 736. 85; 982. 10 and 20; 1002; 1004. 30; 1007. 10; 1010. 5; 1015. 10; 1018; 1025. 20, 51, 58, 60; 1037; 1106. 40. Harpocration (s.v. δερματικόν) says that Lycurgus means τὸ ἐκ τῶν δερματίων τῶν πιπρασκομένων περιγυρόμενον ἀργύριον. In *Hesperia*, XI [1942], 219, Miss Thompson says: "In the internal affairs of the cult Lycurgus is credited with the creation of the *dermatikon*." This may be true at Athens; but the idea of the *dermatikon*, or requisitioning of skins and hides, as we are rationing rubber, may go back to the sixth century and is common throughout the Greek world. Priests often were given the hides or skins of animals sacrificed as special perquisites in lieu of money, as the above references

show. Hides were rare, and Athens even had to import hides from the Pontus, so important were they (cf. Demos. *Phorm.* 10; *Lacr.* 34; Polyb. iv. 38. 4). But the official δερματικόν in the Lycurgan sense is hardly as old as the fifth century, and Dinsmoor is not justified in saying that in the Propylaea accounts of 437 the word αὐτὸς "is almost certainly a reference to the δερματικόν, the money accruing from the sale of the hides of the cattle slain," in the Panathenaic festival of 438 B.C. The word περιμήματα, if the restoration σκευὴν περιμήματων is correct, refers to pieces of leather cut off, perhaps to scraps left over from hides which have been used for some purpose or other in connection with the construction, probably on some kind of hoisting engine, as Professor Jakob Larsen suggests (cf. Dinsmoor, *AJA*, XVII [1913], 385–86; Meritt, Wade-Gery, McGregor, *The Athenian Tribute Lists*, I, 187, list 18, and references there).

preserved right short vertical bar. The Arcadian dialect is fond of uncontracted forms, but *παφέσεται* with intervocalic digamma would be unique and almost impossible as from *πάσμαι*, as a future or an aorist subjunctive for *πάσεται*. For everything is against the well-known *πā-* coming from *παφε-*, and so perhaps it is better to read the future *φέσεται*. Probably, then, we should read two words *πā* (= *παῖ*, as below *κā* = *καί*) and *φέσεται*. *ἔσεται* for *ἔσεται* occurs in *IG*, V, 2, 262, line 25 (Buck, *Introduction to the Study of the Greek Dialects* [1928], No. 16, p. 175), and the ending *-τοι* for *-ται* in the third singular middle is frequent in the Arcadian dialect (*ibid.*, pp. 105, § 139, 1; p. 133), owing to the influence of the secondary *-το* before its change to *-τυ* as in *ἐξόδοιτυ* (l. 4.) But it seems best to take *φέσεται* as the aorist subjunctive from *ἐννυμι* and to construe *λοπος* = *λῶπος* as a neuter accusative singular.

Ζτεραίον.—This can hardly be an Arcadian variant of *δερμάτων* or *διφθερών* (in Cyprian *tipetera*) or even an adjective equivalent to *δερματικόν*, though zeta probably represents a dental sound (see note on *δζις* in l. 4). Cf. *ζέρεθρον* for *δέρεθρον* = *βάραθρον* in Arcadian (*ibid.*, p. 58, § 68, 3, and Strabo viii. 389), also *ἐπεξάρησαν* (*IG*, V, 2, p. xvi, 45). In early Elean we have *ζ* = *δ* (Buck, *op. cit.*, p. 220, No. 57). Nor can the word be connected with Arcadian *δέρφα* = *δέρη* (*ibid.*, p. 46, § 54, and p. 280, 18² = *BCH*, XXXIX [1915], 55, l. 15, *πὸς δέρφαν πὸς λόφον*, also ll. 16, 19; and *IG*, V, 2, p. xxvii, 72 f. [40], *Κοῖλα Δέρα* and *Λόφος*). There *δέρφα* means a "ridge" and *λόφος* a "hill." *Δέρφα* has a digamma, whereas *Ζτεραίον* has no digamma, as the Arcadian *Heraea* has (cf. *Ἐρφαίους* in Buck, *op. cit.*, No. 58). Although Arcadian often has psilosis, *λῶπος*, in view of *θεσμοφόροι*, cannot be for *λόφος*. I am inclined to believe that *Ζτε-*

ραίον is a proper name for *Δεραίον*, since Stephanus of Byzantium, as said above, mentions *Δέραια* as a πόλις τῆς Ἀρκαδίας, just as another city in Arcadia was called *Heraea* (*IG*, V, 2, pp. 103–4). Pausanias mentions *Δέρειον* (iii. 20.7) and (iv. 15.4) *Δέραι* in Messenia, but it may at one time have belonged to the Arcadians or traded with the Arcadians. *Δέρα* and *Δέραια* have the same root as *Dera*, the place where a great battle was fought in the Second Messenian War, but the site of either place is still unknown. *IG*, IX, 2, 7a, seems to refer to a Cretan town, *Δέρα*, where there was a cult of Ares. If we knew the exact provenience of our tablet, excavations might settle a topographical question. But perhaps the name of *Deraia* is derived from the root *δέρ-*, which we have in *δέρμα*, and the town was so famous for its skins and hides that they were exported to other places in Arcadia, such as *Kleitōr*, where the tablet may have been found. The word, however, may be connected with the root meaning "ridge" or "gorge," as seen in the Spartan *Δέρα* or *Δέραι* (Hesychius) or in the Arcadian *δεραί* of Pindar (*Ol.* 3. 27 and 9. 59) or in the word *δεράς* (Hesychius; Paus. ii. 24. 1; 25. 1, 4; *BCH*, XXIX [1905], 205, l. 17; XXXI [1907], 163; XXXIX [1915], 8 f.; Apollod. i. 9. 26 [*δεραί*]; Xen. *Hell.* vii. 1. 22, a fort *Δέρας* near Sicyon).

Money was even sent from Laconia to Arcadia for deposit, probably to the temple of Athena Alea in Tegea (Athenaeus vi. 233; *IG*, V, 2, 159; Schwyzler, *Dialectorum Graecorum exempla epigraphica potiora*, No. 57; Buck, *Class. Phil.*, XX [1925], 133 ff., and *Greek Dialects*, p. 226, No. 65). Temples were often used for deposits of such money, and garments or hides or hide-money might likewise be deposited in a temple of Demeter at *Kleitōr*. It is interesting that in the inscription of Tegea, perhaps because of the Arcadian pro-

nunciation (Bechtel, *Die griechischen Dialekte* [1921], p. 330), *τζητρακάται* is written for *τετρακάται*, showing probably that there was not the usual dental sound before a front vowel in Arcadian but, at least under certain conditions, a sibilant (see note on *δζ* in l. 4). Professor Buck thinks that this *τζ* and our *ζτ* may be freak spellings for *τ*, but it is more likely that *δ* is meant in our inscription. In Elean, *ζ* gave way to *δ* even in the sixth century (cf. Buck, *Greek Dialects*, pp. 219–20, Nos. 57 and 58). Rhodian *ζ* is used for *δ* (*τῶζ*’, *Δεύς*, *ibid.*, p. 67; Shear, *AJP*, XXIX [1908], 461 ff.; Schwyzler, *op. cit.*, No. 276a; Tarbell, *Class. Phil.*, XII [1917], 190–91 [read *Ἀβρασία*, not *Ἄ Βρασία*], a vase in the Metropolitan Museum). In literary Lesbian also we see the *δ*-sound for *ζ* in such forms as *ῥσδων*, *πέσδων*, *μέσδων*, and in Attic-Ionic in *δζος*, *Ἀθήναζε*, etc. In Rhodian *σδ* is assimilated to *δ* as in *Zeù(δ) δέ* (Buck, *Greek Dialects*, p. 251, No. 93, *Zeù[δ] δέ*). At Delphi we have *δυγῶ* for *ζυγῶ* (Schwyzler, *op. cit.*, No. 317; Tod, *Greek Historical Inscriptions*, p. 3, though *BCH*, LXI [1937], 65, reads *τοὶ δὲ τοὶ* [= *νοὶ*]). Rather than suppose some original peculiar combination of a sibilant and dental, *ζτ*, which developed into *δ*, let us, then, assume a freak spelling and take *Ζτέραια* to be the same as *Δέραια*, the spelling perhaps influenced by external analogies (cf. Cretan *δζος*, later *δτρος* = *δσος*). *ζ*’ in line 4 is probably also for *δ(ή)*.

λῶπος.—Here we may have an accusative plural *λοπός*, as later in Thessalian, Thera, and Cyprian. The word *λόπος* or *λοπός* is rare and means the “outer piece” or “separated piece” or “peeling of the hide or skin.” It occurs in Homer *Odyssey* xix. 233, *κρομύουο λοπόν* (cf. “Homeric Words in Arcadian Inscriptions,” *Class. Quart.*, XX [1926], 168 f.). *δέρματος λοπός* is found in Hippocrates, *περὶ ὀρθρων ἐμβολῆς* (33) and *λοπός* (38); *μοχλικόν* (2). If we

take *λοπος* as accusative plural, we should have to take *ἔσεται* as future or aorist subjunctive of *ἐννυμι* and translate: “If anyone anywhere shall be wearing skins of Deraea.” But if *ιερόν* is a correct restoration in line 2, it is better to take *λῶπος* as a neuter accusative singular, and *Ζτεράιον*, which I prefer to take as a proper name, might be, as I have said, an adjective equivalent to *δεραιον* = *δερματικόν*: “If one shall be wearing a garment of skin.” *λοπος*, then, would be for *λῶπος* = *ἱμάτιον* (Herondas viii. 74), and the word would be neuter.

Line 2.—The first letter in the photograph seems to be M, but the bronze itself shows certainly N. It can hardly be X with the value of ξ, as in *ἐξόλοιτν* in line 4 and generally in the Western division of the alphabet. In that case we might restore *ἔχεν ἐξέῖναι* (cf. *IG*, V, 2, 3, l. 12, for example). In view of *παρκα(θ)θέκα* in an inscription of Arcadian Tegea to mean a deposit of 400 minas in the temple of Athena Alea (*IG*, V, 2, 159B, l. 1; Schwyzler, *op. cit.*, No. 57; Dittenberger, *op. cit.*, 1213; Comparetti, *Annuario*, II, 246 ff.; Buck, *Class. Phil.*, XX [1925], 133 ff., and *Greek Dialects*, p. 226, No. 65), if we are not correct as to the certainty of N, possibly we could restore *καθ]ιέναι* or *καταθ]έναι* or *ἀναθ]έναι* (cf. *δέρμα καταδίδοσθαι* in *IG*, V, 2, 432, l. 38). If N is certain, as I believe, then the form *καταν]έναι* seems possible (cf. Buck, *Greek Dialects*, § 157; *καταφρονήναι*), though the idea of piling up skins seems a little strange; or we could restore *δεκάτε]ν ἐναι* or *ἀπάρχε]ν ἐναι*, though we should expect in such a construction the genitive and not the dative. Most probable is *ιερὸ]ν ἐναι*, if *λῶπος* can be construed as a neuter. *ιερόν* with the genitive occurs frequently in inscriptions from the Athenian Acropolis, where maidens dedicate their garments to Artemis (cf. Newton-Hicks, *Collection of An-*

cient Greek Inscriptions in the British Museum, I, No. XXXIV, ll. 35, 40, 69; IG, II-III², 1514, ll. 35, 40; 1515, l. 33; 1516, l. 19, etc. For genitive with *ιερόν*, cf. also Robinson, *AJA*, XLVI [1942], 194). A similar Arcadian bronze inscription from Kotilion (IG, V, 2, 429) mentions the manumission of slaves and says that the property of anyone touching them shall belong to Apollo of Bassae: *ιερά τὰ χρήματα ἔναι πάντα, . . . τ' Ἀπόλλωνι τοῦ Βασίται*, showing that the dative can be used with *ιερόν* (cf. also *Bull. Metr. Mus. of Art*, XXXIV [1939], 147, an Arcadian inscription of ca. 500 B.C., [*ιερός Τυνδαρίδαιος ἀπ' Ἐρατέου*]). As has been said, the skins were probably to be deposited or piled up or consecrated in a temple of Demeter Thesmophoros at Kleitor, the great Arcadian goddess, as money from another state was deposited in the temple of Athena at Tegea.

The epithet "Thesmophoros"⁹ is interesting, as it is the earliest occurrence in an inscription of this title, which seems to occur first in Herodotus and Aristophanes. It undoubtedly refers to Demeter in her political capacity as dispenser and guardian of laws, though she may also have been a goddess of the pastures whose sacred animal was the pig; and the hides dedicated to her may have been sometimes pigskins, which, if not yet used for footballs, were used with other skins for shoes,¹⁰ sandals, shirts, shields, for protections on sides of ships and on land against arrows and spears, for suits, shawls, coats, tents, etc. (see n. 8 above). Pausanias often speaks of skins of goats, sheep, and

wild beasts worn as garments. In iv. 11. 3 we are told that some Arcadian troops "wore a garment of goatskin or sheepskin. Some were clad in skins of wild beasts, wolf-skins and bear-skins being especially worn by the highlanders of Arcadia"; and (in viii. 1. 5), "Pelasgians in Arcadia devised shirts made of pig-skins such as poor folk still wear in Euboea and Phocis"; and (x. 38. 3), "The Aborigines of Ozolian Locris made themselves coverings of untanned skins of wild beasts" (cf. also vi. 6. 11; Aristophanes *Clouds* 72; Plato *Crito* 53D; Lucian *Tim.* 6 and 38). Thucydides (ii. 75) speaks of hides hung before fortifications to deaden the enemy's missiles. They could be used as a protection against weapons of war: *προκαλύμματα εἶχε δέρσεις καὶ διφθέρας*. The Andania inscription (IG, V, 1390, 36) speaks of tents: *περιτιθέμεν ταῖς σκαναῖς μήτε δέρσεις μήτε αὐλείας*. Women often wove garments to be placed on ancient statues from the time of Homer on (*Il.* vi. 87, 302 f.; cf. the many examples cited by Frazer, *op. cit.*, II, 547 ff.; III, 592 ff.). The ancient image of Brauronian Artemis on the Athenian Acropolis was clothed in many robes dedicated by women (Paus. i. 23. 7; IG, II-III², 1514-31), who sometimes also dressed up in bearskins in the ritual ceremonies. In Arcadia a faithless worshiper of Artemis was turned into a bear, and in our inscription one who is unfaithful to her work may even be put to death (cf. Aristophanes, *Lysistrata*, 641-44; Verrall and Harrison, *Mythology and Monuments of Ancient Athens*, pp. 402-4; Newton, *op. cit.*, I, 77-83). So the reference in our inscription is perhaps to the use of garments of skin for an image of Demeter.

For Demeter Thesmophoros cf. especially Immerwahr, *Die Kulte und Mythen Arkadiens*, pp. 68 f., and Farnell, *The Cults of the Greek States*, III, 75-112, nn.

⁹ In Anacreon (Frag. 68) *θεσμός* is equivalent to *θησαυρός*, "that which one lays down or piles up." At Olympia (Collitz, *SGDI*, 1154) in an archaic inscription the meaning is *κτῆμα* = *τάμα*, "property"; and Farnell (*Cults of the Greek States*, III, 106) says that perhaps *θεσμοφόρος* "originally bore the simple and material sense of 'the bringer of treasure or riches.'"

¹⁰ For shoes of skins of animals cf. Frazer, *Pausanias' Description of Greece*, V, 202 f.

64, 74–107 (pp. 324–32); Cook, *Zeus*, III, 168; and on the Thesmophorion in Athens cf. Broneer, *Hesperia*, XI (1942), 250–74. The Thesmophoria were among the most ancient of festivals throughout Greece (cf. Nilsson, *Griechische Feste*, pp. 313 ff.). Diodorus (v. 4) says that they imitated the primitive life: *μιμούμενοι τὸν ἀρχαῖον βίον*. Broneer (*op. cit.*, pp. 257–61) speaks of curses on tablets of lead being deposited in sanctuaries of Demeter; and the use of ἐξόλοιτο in line 4 almost puts our bronze tablet in the category of curse inscriptions, which are associated with Demeter (cf., e.g., Michel, *Recueil d'inscriptions grecques*, No. 1327: ἀνατίθημι Δάματρί). Broneer does well to associate the Thesmophorion with the Eleusinion and the cult of Demeter. Herodotus (vi. 91) mentions the πρόθυρα Δήμητρος θεσμοφόρου at Aigina, and *IG* (VII, 2876) mentions the priestess of Demeter Thesmophoros. Our bronze tablet has the only epigraphical reference so far found in Arcadia to Demeter Thesmophoros, though references to Demeter, the principal goddess of Arcadia, are frequent (*IG*, V, 2, Index, p. 174). An early Arcadian bronze cymbal (*IG*, V, 2, 554; Buck, *Greek Dialects*, p. 174, No. 15) used the article for Demeter's daughter ταῖ Κόρραι, as our inscription does for Demeter. It is interesting that the skins are to be turned over to the goddess Demeter herself and not to a priestess and that the official called "demiurgus" and not a priestess or priest is responsible.

Line 3.—The letters in this line are crowded; so five letters may be missing. *τοσνὶ* or *τόσνυ* is another possible restoration. *τόσνυν* would be too long and *τὸς* too short. Cf. Arcadian *ταννί*, *τασνί*, *τὸννυ*, and *τόσνυν* (Buck, *Greek Dialects*, p. 76, § 97, 1, and p. 93, § 123). In Buck (*ibid.*, p. 280, No. 18²) *τῶννι* and *τῶννυ* both occur, and on page 284 (*IG*, V, 2, p. xxxvi), lines 30, 36, 51, 56, *ταῖννυ*, *ταῖννι*, and *ταννί*

are found; in line 55, *τὸς* is used for *τοὺς*. Before the E of *μέ* = *μή* can be seen clearly an upright preliminary guiding line.

ὑνιέρωσε = *ἀνιέρωση*, the aorist subjunctive of *ἀνιέρω*. This seems to be a better solution of this difficult line than to read *ὑνίερος* = *ἀνιέρους*. *ὕν* = Lesbian-Thessalian *ὄν* = Attic *ἀνα-* is perfectly possible and even for the negative *ἀν-*, though this would be the first instance and though Lesbian-Thessalian *ὄν-* is never so used. In *ὕμενός*, *υ* = negative seems to be impossible. But the reading *τοσνὶ μέ ὑνίερος* (= *τοὺς μὴ ἀνιέρους λόπους*), "to dedicate the skins which are not unhallowed," might be favored by the common idea that the animals of a temple and those suitable for sacrifice should be without blemish (cf. *IG*, V, 2, 3, l. 6, at Tegea, a pasture tax to be imposed on the *ἀνασκε-θέα*, suitable for personal but not sacred use). It might seem from this inscription, then, that the skins turned over to Demeter must also be not unhallowed; and, if the skins are not strong enough for work [*εἰ δ' ἄμενέις ἐπέ(ς) ἔργου*] and cannot be made into shields, sandals, or shoes or soldiers' suits or shawls or cloaks, they are to be destroyed. However, after *μέ*, a verb seems logical, and *ὑνιέρωσε* is possible. Cf. the interesting bronze cymbal on which the inscription (*IG*, V, 2, 554; Buck, *Greek Dialects*, p. 174, No. 15) used to be read as Thessalian *Καμὸν ἔθυσσε* or *Καμὸ ὕν ἔθυσσε*, but it is undoubtedly Arcadian *Καμὸ ὑνέθυσσε* = *ἀνέθυσσε*. Cf. *IG*, V, 2, 555 (cf. also 556): *Φαυλέας ἀνέθυσσε*; cf. also Cyprian *ὑνέθεκε* and Lesbian *ὕμοιως*, *ὕμολογία*, etc. (Buck, *Greek Dialects*, p. 25, §§ 22 and 22a). If we read *ὑνιέρωσε*, the next word might be *ἰδ'* = *ἰδέ*, meaning "then" and used in conclusions of conditions (cf. Cyprian *ἰδέ*; Buck, *Greek Dialects*, § 134, 6; Bowra, "Homeric Words in Arcadian Inscriptions," *Class. Quart.*, XX [1926], 168 f.). Perhaps we should read

(δ)υ(σ)μενὲς = δυσμενῆς, if ὑμενὲς = ἀμενὲς (a word occurring only in Euripides *Suppl.* 1116) is impossible. δ would have been omitted by haplography and σ forgotten. The meaning would be "hostile" or "faithless" or even a "malefactor," as in Lattimore, *Themes in Greek and Latin Epitaphs*, p. 117.

ἔασ' is perhaps for ἔασ(σ)α, the present nominative feminine of the participle. ἔασας = οὔσας occurs in Buck, *Greek Dialects*, p. 175, No. 16, line 17 (*IG*, VII, 2, 262; Miss Guarducci, *Studi e materiali di stor. d. relig.*, XIII [1937], 57-67). It is possible that we should read ἔασ' ἀ(ἐ) (= ἀέ) ἐπὲ(ς) ἔργο(ι). But ἀέ is often written ἀτ in Arcadian (Buck, *Greek Dialects*, p. 281, No. 18³, l. 50, and p. 284, No. 18⁴, l. 29). ἐπὲς with the dative and meaning "with reference to" occurs in Arcadian (*ibid.*, p. 180, l. 55 [ἐπὲς τοῖς ἔργοις]; p. 282, No. 18⁴, l. 10; p. 283, l. 21; p. 284, l. 37). There is no iota at the end of ἔργο; and, as words are complete at the ends of lines in our inscription, the iota could hardly have been inscribed at the beginning of the next line. It looks as if either iota was omitted or as if ἐπὲ(ς) or, possibly, if we read ἀέ πὲ(ς), as if πὲ = πὲδᾶ = μετὰ, though unrelated to it in origin, was used with the genitive. So I am inclined to read ἐπὲ ἔργο with assimilation of ἐπὲς, as in Cyprian τᾶ (= τᾶς) φανᾶσ(σ)ας (*ibid.*, § 97, 2). This would be an old genitive construction antedating the spread of the dative with a preposition in Arcadian (*ibid.*, § 136, 1). Even so, the omission of the article is peculiar. πὲ occurs in Arcadian with the dative (*IG*, V, 2, 262, l. 16, and Buck, *Greek Dialects*, p. 75, § 95; p. 99, § 135, 5), but it is found with the accusative in *IG*, V, 2, 6, line 98. The initial digamma in such words as ἔργο is common in the Arcadian dialect even down to 300 B.C., but there are many cases of ἔργα, ἔργων, etc., in *IG*,

V, 2, 6 (fourth century B.C.). Cf. for the digamma Buck, *Greek Dialects*, pages 44-46, §§ 52-54; page 175, No. 16 (*IG*, V, 2, 262), lines 32 and 35, ἔργο; also the many references in *IG*, V, 2, Index, p. 184, s.v. ἔργον. One might read (ἐ)πεφέργο from ἔπεργον, but that is a later word and would hardly fit the context here. ἐπὲ(ς) ἔργο seems to be the best solution, and ἔργον may be a technical word for the religious rite or duty or work (as Professor Larsen has suggested to me) which women performed in making garments for statues and religious festivals. Such women were called *Ergastinae* (cf. P.-W., *RE*, s.v.). Work (ἔργον) was no disgrace (οὐδὲν ὄνειδος), as Hesiod would say, and was a kind of rite or religious duty in the service of the goddess. In Athens, Athena even had the epithet Ἐργάνη. So if a woman was faithless or hostile toward doing her work or performing her religious rites, she was subject to death.

Line 4.—I is probably for δ(ή), as in early Elean, rather than for τὲ or τοί. The restoration at the beginning of the line is uncertain, but ἀπας (= ἀπας) would fill the space. ἐξόλοιτν is for ἐξόλοιτο and as a singular could be used with a neuter plural or singular subject or with a masculine or feminine singular. εἰθὺς might be restored, "let her or it straightway be destroyed." πρόρριζα would be possible but doesn't fit the sense or the number of letters. υ is used in verbal middle endings for ο elsewhere in the Arcadian dialect (cf. Buck, *Greek Dialects*, p. 25, § 22, and p. 284 [*IG*, V, 2, p. xxxvi], l. 39, διαρθώσατν; l. 50, ἐγάμαντν).

κὰ for καί is common in Arcadian (cf. Buck, *Greek Dialects*, p. 76, § 97, 2; p. 98, § 134, 3), but κὰς and καί also are found. In Buck (*ibid.*, p. 175 [No. 16], l. 15) we have κὰ, but in lines 20 and 33, κὰς; on page 176, No. 17, line 1, and page 280, No.

18², line 6, and page 281, No. 18³, line 21, we have *kai*.

δζις for δστις is a new form in Arcadian but is natural in view of *σις*, *εἶσε* = *εἶτε*, *ὁσοί* = *ὅτε*, etc. (*ibid.*, p. 58, § 68, 3; p. 94, § 128; p. 175, No. 16, ll. 25, 26, 31), in an early inscription of Mantinea. In Buck (*ibid.*, p. 178, No. 18) we have *τις* and (p. 281, l. 45) *στις* (about 350 B.C.). In Arcado-Cyprian (cf. *ibid.*, p. 155), in view of this second example, it would seem that the initial sound before a frontal vowel was sometimes a sibilant and not a dental. Zeta is used like the special sign (Ι) in Buck, page 174, No. 16, namely, for *τ* before a front vowel as in *δζις* (like *σις*) and also for *δ* in line 3 (cf. *δδε*, *τόδε* in ll. 6, 7), and cf. *ἀπυσσεδομίνος* (*σ* for *δ*) in Buck, No. 16. This probably in the sixth century gave way to *δ* or *τ*, as in sixth-century Elean ζ gave way to *δ* (cf. [ζις] and *Ζεραίων* in *ibid.*, l. 1).

ἐδαμιορργε is probably imperfect rather than present, the *ε* of *τότε* being elided, as the ending *ε* can hardly be for *ει*. *ε* for genuine *ει* is hardly known except at Corinth, and in line 5 we have *ει*. But the final *ε* would be contracted from *ει*. The official called "demiurgus" is frequent in inscriptions and is found some twenty times in Arcadian inscriptions (*IG*, V, 2, Index, p. 171). Cf. Buck, *Greek Dialects* [*IG*, V, 2, 3], page 177, line 29 (*δαμιοργός* without digamma, showing that our inscription is of earlier date) and page 39, § 44, 4. The verb occurs in the participle in *IG*, V, 2, 345, line 9; 515, line 16. This official was already known at Lousoi, where our bronze tablet was probably found (*IG*, V, 2, 395, l. 3), but that inscription is as late as the third century B.C. It would seem from our inscription that the demiurgi had authority even over the priests and that the state controlled the church but that the demiurgi were

themselves subject to a fine and prosecution for impiety.

Line 5.—ἀφάε]σται may be restored rather than ἀφեսται or ἀφέλεσται or ζαμιδσται or ἀφέδσται or κατέσται (καθέσθαι) or δέκεσται. *στ* may be for *σθ* as in Early Elean (χρέεσται for χρέσθαι). Cf. *τ* = *θ* in Arcadian Πύτιος (*IG*, V, 2, 444, l. 9). ἀφάετοι would stand for ἀφάηται from a supposed ἀφάημι and makes likely the restoration ἀφάεσται for ἀφάεσθαι = ἀφήσθαι or ἀφέσθαι. In *IG*, V, 2, 261, line 10, we have ἐξάετοι from a possible ἐξάημι. Possibly ἀφάεσται is a future, as we do not have psilosis in this inscription in θεσμοφόροι, but the infinitive is generally used in such final clauses. *δαρχμάς*. *αρ* for *ρα* is frequent in this word in Arcadian, in Cyprian, Elean, Coreyran (Buck, *Greek Dialects*, p. 42, § 49a).

Line 6.—ὀφλέν is a likely restoration in view of *IG*, II², 1635, line 134 (Dittenberger, *op. cit.*, 153, l. 134): οἶδε ὠφλον Δηλίων ἀσεβείας. Possibly we should read *φοφλέν*, but there is hardly room for six letters; and yet in the Arcadian inscriptions (Buck, *Greek Dialects*, p. 175, No. 16, l. 19) we have *ροφλεκόσι* but in *ibid.*, page 176, No. 17, line 4, and page 177, lines 8, 22, and *IG*, V, 2, 410, we have *ὀφλέν*.

ἔχε might be for ἦχε, third person imperfect, but here it must be the subjunctive ἔχη, though such an independent subjunctive is rare (cf., however, the Elean example in Buck, *Greek Dialects*, § 175).

δέκο φέτσα. δέκο for δέκα is to be expected in Arcadian; cf. *ibid.*, page 176, No. 17 (*IG*, V, 2, 3), line 4, *ηεκοτόν*; page 177, lines 9, 21, *δνόδεκο δαρχμάς*; and page 18, § 6. For *φέτσα* (cf. Latin *vetus*), cf. *ibid.*, page 281, No. 18, line 25. *φέτος* occurs in at least ten other dialects (cf. *ibid.*, p. 44, § 52). Ten years seem a long time for such a validity, but in an inscription from

Naupactus, which has a modern tone (*ibid.*, p. 321, No. 56²) we have: "If the demiurgi make any other profit than what is prescribed, it shall be held sacred to Apollo as an offering for nine years, and they shall not register additional profit."

Line 7.—The restoration *ἐνα*[γί*ζε*ν] is uncertain. The demiurgus has the right for ten years to expiate this thing (τόδε instead of τάνδε, as we might expect from the feminine ἀσέβειαν). We might restore ἐνά[γεν], "to introduce this matter into court" (cf. *ibid.*, p. 178, No. 18 [IG, V, 2, 6], l. 20: *ἰναγόντω ἰν δικαστήριον τὸ γινόμενον*). I have thought also of ἐναμέβεν, ἐναλύεν, ἐναλ(λ)οίο(ν)ν, ἐναίρεν, ἐνατῆν, ἐνα(λ)λά(σ)σεν (the last possible, but the others not relevant).

The essential characteristics of the Arcadian alphabet, as shown in this inscription, are the angular bracket form of gamma, the use of digamma, E = εἰ, ε, or η, Σ = iota, the form of the lambda, the four-barred sigma in such early times when Attic uses the three-barred, X = ξ, and Ψ = χ (ch) (see Pl. I for forms of letters).

To sum up, the characteristics of the Arcadian dialect as seen in this new inscription, with several new forms, are:

1. Conjunction *εἰ*.
2. *δέκο* = *δέκα*.
3. *ἐπέ* = *ἐπés*.

4. Infinitive *εἰν* = *εἰν* in *ὀφλέν* but also the Homeric *ἔναι*.

5. *ρ* initially and not lost between vowels (*ρεέργο* and *ἐδαμοφόργε*).

6. *κα* = *καί*, *πα* = *παί*.

7. *ζίς* = *τίς*, *δζίς* = *δτίς* (*δστis*), a hitherto unknown form.

8. Middle ending *τυ* = *το*.

9. *υ* = initial *ά* in *ὑνιερόσε*.

10. *ζτ* = *δ* or a special sibilant, not identical with the ordinary dental of other dialects. *Ζτεραίων* is a new word. *ζ* (l. 4) = *δ'*.

11. *οι* = *αι* in third person singular of present and future middle.

12. *ο* = *ο* or *ω* (*Ζτεραίων*, *θεσμοφόροι*, *ὑνιερόσε*).

13. *α* = *η* (*ταῖ Δάματρι*, *τὰν ἀσέβειαν*).

14. *ε* = *η* (*μέ* and *ἔχε*), or *ει* as in *ἐδαμοφόργε*.

15. *εασ'* = *εασ(σ)α*, present feminine participle.

16. *ιδ'* = *ιδέ* (meaning "then") as in Cyprian.

17. *ἀφάετοι* = *ἀφάηται* from a possible *ἀφάημι* (a new word and form). *-τοι* for *-ται* also in *φέσεται*.

18. *αρ* for *ρα* in *δαρχμάς*.

19. Psilosis in *ὄδε* for *ὄδε*, *ἀφάεσται* = *ἀφάεσθαι* and elsewhere.

The use of Σ for ι, the digamma in the middle of words or with alpha initially, the slanting bars of epsilon, alpha, and nu, the crossbar theta, the form of mu, and the angular bracket form for gamma argue for an early date.

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NOTES AND DISCUSSIONS

INTERPRETATIONS OF MELEAGER

Anthologia Palatina v. 165. 1-2.

ὦ νύξ, ὦ φιλάγρυνπος ἐμοὶ πόθος Ἥλιοδώρας
καὶ σκολιῶν ὄρθρων κνίσματα δακρυχαρῆ,
ἀρα μένει στοργῆς ἐμὰ λείψανα, καὶ τὸ φίλημα
μνημόσυνον ψυχρῇ θάλπει' ἐν εἰκασίᾳ;
ἀρά γ' ἔχει σύγκοιτα τὰ δάκρυα, κάμὸν ὄνειρον
ψυχαπάτην στέρνοισι ἀμφιβαλοῦσα φιλεῖ;
ἢ νέος ἄλλος ἔρως, νέα παίγνια; μήποτε, λύχνη,
ταῦτ' ἐσίδης, εἷης δ' ἥς παρῆδωκα φύλαξ.

Such is the text of this epigram of Meleager as presented by Stadtmueller;¹ but in the Palatine manuscript ὄρθρων of line 2 is a correction for an original ὀρθῶν; and δακρυχαρῆ is the reading of the *apographi* where P has δακιχαρῆ.

This second line is, as Paton² remarks, very difficult and has evoked numerous emendations, for none of which, however, any entirely satisfactory interpretation has been offered. Mackail's translation: "O night, O wakeful longing in me for Heliodora, and eyes that sting with tears in the creeping grey of dawn,"³ may be very pretty, but it does not face the issue which he recognizes when he says, "The epithet σκολιῶν perhaps rather means jealous or malign."⁴ It would certainly be hard to find any justification for making σκολιός mean "creeping" in this sense, and the other meanings he offers are scarcely more justifiable.

Paton⁵ felt that the difficulty lay with ὄρθρων and, assuming that we should expect some word appropriate to a *paraclausithyron*, suggested *θυρῶν* or *προθύρων*, although the former is, of course, metrically impossible. His translation is characteristically vague and hardly more than adumbrates the thought which he wishes to extract from the Greek:

O holy night, O wakeful dear desire,
O hopeful, tearful knockings at her gate.

¹ *Anthologia Graeca*, Vol. I (Leipzig, 1894).

² W. R. Paton, *Anthologiae Graecae erotica* (London, 1898), p. 97.

³ J. W. Mackail, *Select Epigrams from the Greek Anthology* (London, 1911), p. 124.

⁴ *Ibid.*, p. 351.

⁵ *Loc. cit.*

Now, whatever else κνίσματα may mean, there is certainly no evidence for its meaning "knockings," or even "scratchings," in this sense; and Paton himself admitted that σκολι' ὀρσοθυρῶν κνίσματα, "unsteady scratchings," of which he had thought as a possibility, was absurd. The lover was certainly not thinking of himself scratching at the door like a cat.

Waltz⁶ emends the text to read σκολιῶν ὄρρων, to be explained by the superposed ρ of ὀρθῶν, which should then be substituted for the θ and not added to it, and translates *croupe fretillante*. While this effort is certainly ingenious, it is quite gratuitous and not at all in keeping with the tone of the poem.

Stadtmueller had hesitantly suggested οἷστρων for ὄρθρων, but that would not make it any easier to understand σκολιῶν, where the difficulty is most likely to lie. For this troublesome word Salmasius had proposed *κρυερῶν*, which, while it would give an acceptable sense to the line, is too violent an emendation. The change of σκολιῶν to σκοτιῶν, attributed by Stadtmueller to Reiske and by Dübner⁷ to Hecker, is the simplest paleographically and makes excellent sense if the rest of the words in the line are properly understood. It is a well-known fact that the word ὄρθρος is applicable to that part of the day when it is still not light. In fact, Plato (*Protag.* 310 a 8) speaks of it as part of the night, and Phrynichus (*Ecl.* 242) says it is that part of the day in which a lamp is still useful.⁸ This part of the day might, then, quite properly be described as σκότιος.

The word κνίσματα has been the real stumbling block for interpreters of this line. It occurs only once again in Meleager (v. 156. 2), where it means "scratch," of the nails; and even when he uses κνίζω it is in its primary

⁶ P. Waltz, *Anthologie grecque*, Vol. II (Paris, 1928).

⁷ Didot ed. (1864).

⁸ I owe these references to Burnet's note: *Plato's Euthyphro, Apology of Socrates and Crito* (Oxford, 1924), pp. 174-75.

sense of "scratch" in the phrase ἄκρα δ' ὄνυξιν κνίζει (v. 177. 3-4). When used with a personal object, the verb also means something like "sting" or "gnaw," in a figurative sense, as in Euripides *Iph. Aul.* 330: τὸ βούλεσθαι μ' ἐκνίζει, and Sophocles *Oed. Rex* 786: ἐκνίζει μ' αἰεὶ τοῦθ'. The verb sometimes appears with the subject ἔρως, as in Herodotus vi. 6. 6: Ἀρίστωνα ἐκνίζει τῆς γυναικὸς ταύτης ἔρως, and in Appian *Punica* 10: κνιζόμενος ὑπ' ἔρωτος ἐπὶ τῇ παιδί, where it has reference to the tickling of the passions. It is not then difficult to see the reason for Suidas' equation κνίσματα: σπαράγματα ("agonies"). This meaning, "the agony of an unsatisfied incitement of passion," appears clearly in an epigram of Pompeius the Younger.

Λαῖς, ἐκοιμήθη δ' ὕπνον ὀφειλόμενον
κώμους καὶ τὰ νέων ζηλώματα καὶ τὰ ποθεύτων
κνίσματα καὶ μύστιγν λύχρον ἀπειπομένη
[*Anth. Pal.*, vii. 219. 4-6].

Lais has said goodbye to the rivalry of young blades (who enjoy her favor) and to the agonies of those who are yearning (for it). The word seems to be part of the erotic vocabulary of the *Anthology* and becomes understandable in Meleager in this sense.

The phrase ὄρθρων κνίσματα should then refer to the agonies of the denied lover as he lies awake at dawn. Friederich Jacobs⁹ perceived at least part of the truth in explaining his emendation: κασκελέων ὄρθρων κνίσματα (based on Hesychius' gloss ἀσκελές: σκληρόν, χαλεπόν, ἀδιάλειπτον, πικρόν ἢ σεμνόν). To quote his own words of explanation:

De ὄρθρῳ amantibus ingrata . . . agitur. Quae si recte posui, nollem verba ἀσκελέων ὄρθρων κνίσματα de vellicationibus matutino tempore illis accipere—cur enim mane potius quam media nocte his nequitiiis utantur amantes?—sed de diluculo, quod amantium amplexus divellens vexat, κνίζει.

The only difficulty with this interpretation, aside from the improbability of ἀσκελέων, is the picture it gives of dawn parting these lovers. The poet is not thinking of the cruelty of dawn in general, but its cruelty to himself in partic-

ular, who is already separated from his beloved. The situation is the same as that of Meleager in the first two lines of v. 172, where ὄρθρος is also addressed.

With this much in mind we may turn our attention to the modifier of ὄρθρων, and it will now be evident that the emendation σκοτιῶν, which recommended itself for its similarity to σκολιῶν, adds just the pathetic touch one would expect from the forlorn lover.

Some objection has also been voiced to the word δακρυχαρῆ, a ἀπαξ λεγόμενον except for the pair of inscriptional instances cited by Liddell, Scott, and Jones. It is, however, a type of compound common in the *Anthology* and very similar to the γλυκύδακρυς used by Meleager to describe Eros (v. 176. 3). The idea of the poignancy of unrequited love, so well expressed by δακρυχαρῆς, is often present to Meleager as in v. 177. 4, where he says of Eros again καὶ κλαῖον πολλὰ μεταξύ γελᾷ. Such emendations as δακνοχαρῆ or δακνοχερῆ of Boissonade and δηξιχαρῆ of Brunck are at best unnecessary.

The whole epigram is in Meleager's typically sentimental and whimsical style. Only the insensitive could be blind to the effect of making his "longing" fond of sleeplessness and his "agonies" delight in tears.

The two lines may then be translated:

O the night, O my unslumbering longing for Heliodora,
Then, in the dark before dawn, pangs that make tears a delight.

Anthologia Palatina v. 177. 5

Πωλείσθω, καὶ ματὶς ἔτ' ἐν κόλποισι καθείδων.
πωλείσθω. τί δέ μοι τὸ θρασὺ τοῦτο τρέφειν;
καὶ γὰρ σιμὸν ἔφην καὶ ὑπόπτερον ἄκρα δ' ὄνυξιν
κνίζει· καὶ κλαῖον πολλὰ μεταξύ γελᾷ.
πρὸς δ' ἔτι λοιπὸν ἄτρεπτον, αἰλίλαον ὀξὺ
δεδορκός,
ἄγριον, οὐδ' αὐτᾷ ματρὶ φίλα τιθασόν·
πάντα τέρας. τοιγὰρ πεπράσεται, εἴ τις
ἀπόπλους
ἔμπορος ὠνεῖσθαι παῖδα θέλει, προσίτω.
καίτοι λίσσετ', ἰδοῦ, δεδακρυμένος. οὐ σ' ἔτι
πωλῶ·
θάρσει· Ζηροφίλα σύντροφος ὧδε μένε.

The fifth line of this playful little poem of Meleager is marked in the Palatine manuscript as corrupt. In an erasure the corrector has

⁹ *Animadversiones in epigrammata anth. Gr.* (1798), I. Part I, 114.

written *πρὸς δέτι*, where Planudes offers the accepted reading *πρὸς δ' ἐτι*. Also for *ἄθρεπτον* of the Palatine and Planudes' own hand the emendations *ἄτρεπτον* and *ἄτρεστον* appear in other manuscripts and editions of Planudes.

It seems to me, however, that the reading of the Palatine can be defended and interpreted. It is simply a question of word division, as it is also in the second line of this same epigram, where *τί δέ μοι* was written *τί δέμοι*. This first question, *τί δέ μοι τὸ θρασὺ τοῦτο τρέφειν*, expressed in the second line gives the clue we need; and, if we divide and punctuate *πρὸς δέ τι λοιπόν; ἄθρεπτον κτλ.* in the fifth line, we get a second question in the same vein as that of the first, serving to interrupt the long list of complaints. Meleager also uses a similar trick of style in the *τί δέ τὸ πλεόν* of v. 175. 1.

While *ἄθρεπτος* is known otherwise only from the *Historiae animalium epitome* (ii. 4. 8), attributed to Aristophanes of Byzantium, and there means "ill-nourished" or "underfed," it is used in modern Greek to mean "undernourished" or "undeveloped,"¹⁰ and the antonym *εὐθρεπτος* occurs in *Etymologicum magnum* (xxviii. 41) as a gloss on *εὐγενέστεραι* (of poplar trees): *ἥτοι εὐθαλέστεραι καὶ εὐθρεπτότεραι*. Figures of speech comparing humans to plants or trees, either expressly or by implication, are of frequent occurrence in Greek from

¹⁰ *Μέγα Λέξικον τῆς Ἑλληνικῆς Γλώσσης* (Vol. I [Athens, 1933]) says of the modern form: *ἄθρεπτος* ὁ μῆκω ἐπαρῶς τραφεῖς, ἀκαπτηχθεῖς. ἰδίως ἐπὶ φυτῶν καὶ καρπῶν.

Homer onward, from the *θάλος* of *Iliad* xxii. 87 to the *νεόφυτος* of I Tim. 3:6. The word *ἄθρεπτος* might, then, well be translated by the colloquial American pejorative "scrawny." It can hardly be objected that *ἄθρεπτος* is not a common epithet for Eros, since much of the sly humor of the poem, aside from that inherent in the poet's conventional inability to escape his devotion to Zenophila and so being a slave to Eros instead of Eros to him, lies in the fact that in spite of the avowed intention to sell the impudent little knave all that is said of him is calculated to make him unattractive to any prospective buyer.

Thus understood, the line would fit well into the poem, as may be illustrated by the following translation which I offer *exempli gratia*:

Sell the boy, what though he still slumbers on his mother's breast. Sell him, I say. Why should I rear this impudent thing? Why, he's snub-nosed and has little wings; he scratches like a very demon, and though he squalls, he's often laughing all the while. What else besides? He's a scrawny, chattering, sharp-eyed little beast his own mother can't even tame. He's simply a little monster. That's why he must be sold. If any trader's off to sea and wants to buy a boy, let him come to me. But there, he's pleading with me; just see the tears in his eyes. Well, I shan't sell you yet; cheer up. So then stay here and grow up with Zenophila.

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A QUOTATION FROM MENANDER IN THE PASTORAL EPISTLES?

Literary reminiscences are naturally rare in the New Testament but are of all the more interest when they can be detected. Paul's celebrated "Evil communications corrupt good manners" (I Cor. 15:33) is a notable example. It reproduces in a slightly unmetrical form Menander's

φθείρουσιν ἥθη χρῆσθ' ὁμιλίας κακάι

(Frag. 218 [Kock], 738 of the *Monostichoi*), for which Paul says

φθείρουσιν ἥθη χρηστὰ ὁμιλίας κακάι.

In the process of preparing a free translation of two plays of Terence it was noted that

there was a striking similarity between *Adelphi* 955: "et dictumst vere et re ipsa¹ fieri oportet" and the words of I Tim. 1:15, 4:9: "This is a faithful saying and worthy of all acceptance." Since Terence is professedly translating Menander, the thought immediately suggested itself that here was a line of Menander imbedded in the words *πιστὸς ὁ λόγος καὶ πάσης ἀποδοχῆς ἄξιος* of I Timothy. Those who are familiar with Terence's manner will, upon comparing the two passages, recognize this as a fair sample of his method of idiomatic adaptation. Indeed, it might be remarked that the words of 'Paul'

¹ Or in the form *reapse*, the tradition being divided.

actually fit the context a little better than do even Terence's own, for *dictumst* is, after all, a verb and the subject of *fieri oportet* is left unusually vague, whereas in 'Paul' the expression is formally the most lucid possible. The interposition of the phrase, "hanc maculam nos decet effugere," between the saying (*λόγος*) and the comment upon it might also suggest that Terence was having some trouble with his translation here. In the original, one can hardly doubt that there was no such slightly confused interlocking order of ideas. There, as the normal logical sequence requires, the two sentences were probably reversed.

To return to the Greek in this passage, it is obvious that it is unmetrical, but a rearrangement of word order no more serious than the correction necessary in the certain case of quotation in I Corinthians produces a tolerable trimeter. A simple interchange of position between *πάσης* and *ἀποδοχῆς* and, of course, the consequent crasis with *καί* results in

*πιστὸς ὁ λόγος καὶ πάσης ἀποδοχῆς ἄξιος.*²

It seems a bit odd that, while it was well known to such of the Fathers as Jerome and Photius that the line in I Corinthians was a quotation from the *Thais*, no one seems to have recognized that from the *Adelphi* in I Timothy.³ The failure to make this observa-

tion is all the more remarkable, since the phrase is repeated in the same form in I Tim. 4:9, and the words *πιστὸς ὁ λόγος* are also used in I Tim. 3:1; II Tim. 2:11, and Titus 3:8. Commentators on this Epistle have paid little attention to the words in question. C. H. Turner,⁴ who considers the Pastoral Epistles to be Pauline, would like to regard our phrase (without recognizing its source) as a marginal comment by some appreciative reader which has found its way into the text.

The line from the *Thais* quoted in mutilated form in I Corinthians appears in much less recognizable guise in Diodorus Siculus (xvi. 54. 4), who says of Philip: *ταῖς πονηραῖς δουλίας διέφθειρε τὰ ἥθη τῶν ἀνθρώπων*. Obviously it had become a winged word and was common property, the substance of which one might use without any feeling of literary proprietorship whatsoever. That is much more clearly and certainly the case with the verse in I. Timothy, for there is ample evidence of its currency in one form or another for at least two centuries both before and after the birth of Christ, not only in literary texts but even in inscriptions.⁵ The phrase *ἀποδοχῆς ἄξιος* (*ἀξιούσθαι*) would appear to have made a place for itself even in the nonliterary language of

² A similar interchange of order between *ἀποδοχῆς* and *ἄξιος* will give a trimeter very easily read by us moderns (who are especially accustomed to Aristophanes, Plautus, and Terence), thus:

πιστὸς ὁ λόγος καὶ πάσης ἄξιος ἀποδοχῆς.

Unfortunately, this introduces a proceleusmatic into the fifth foot; and, although proceleusmatics are not especially rare in Old Comedy, "thick as blackberries" in certain parts of Plautus, as Lindsay (*Early Latin Verse* [1922], p. 93) remarks, and common enough even in Terence, for some reason or other New Comedy seems to have eschewed them. Not a single one, it would seem, is to be found in the new fragments of Menander, except perhaps *Epitrep.* 22 (63 [Koerte]), where the Cairo papyrus has: *τὸ κωλιον με; σὺ πρότερος ὁ σικκῶν λέγε*. This would give us a tribach followed by a proceleusmatic, a succession of seven short syllables. Lefebvre was perhaps right (p. 68) in deleting *με*, and the editors in general have followed him in so doing. Eitrem, indeed, saves the *με* by placing it before *κωλιον*, and that seems preferable; but this change also eliminates the proceleusmatic quite as effectively.

³ It is, of course, no longer widely believed that Paul was the author of I Timothy, but possibly the

recurrence of this mannerism of quoting a winged word might have some slight bearing upon the problem of authenticity.

⁴ *The Study of the New Testament* (1883 and 1920; 2d ed., 1924), p. 21. He well remarks that the phrases seem "extraordinarily alien from the style of any St. Paul we can picture to ourselves."

⁵ Polyb. vi. 11a. 7: *μεγάλης ἀποδοχῆς ἔτιχε καὶ πίστει*; i. 5. 5: *παρὰδοχῆς ἀξιούσθαι καὶ πιστεῖν*; i. 43. 4: *ἀποδοχῆν αὐτοῦ καὶ πιστεῖν* (cf. ii. 56. 1 and iv. 86. 8). Diodorus Siculus i. 47. 4: *ἀποδοχῆς ἄξιον* and i. 51. 4; v. 31. 3; xii. 15. 1, 53. 4. Hierocles (von Arnim) *BKT* iv, 59. 27: *πολλῆς ἄξιον ἀποδοχῆς*. Diogenes Laertius v. 64: *πολλῆς τῇ ἀποδοχῇ ἄξιον*, and v. 37. Justin Martyr *Dial. cum Tryph.* iii. 3: *ἀποδοχῇ ἄξιον*. *IG*, XII, 722. 8 (Andros, after 133 B.C.): *ἐλθούσης ἀξιούσθαι*. Ditt., *O.G.I.S.*, 339. 13-14 (Sestos, ca. 120 B.C.): *τῇ καλλίστῃ | ἀποδοχῇ ἀξιούμενος*. *IG* II-III², 1338. 45-46 (Eleusis after 86 B.C.): *ἀποδο[χ] | [ῆ] . . . ἡξιώσθ]*. *IG*, VII, 2711. 13-14 (Acraephiae, ca. 37 A.D.): *ὑπὸ πάντων τῶν Ἑλ[λήνων] ἀποδοχῇ ἡξιώσθ*. Ditt., *Syll.*³, 799. 29 (Cyprus, 38 A.D.): *τῇ παρὰ τῷ δήμῳ τυχεῖν ἀποδο[χ]ῆς*. Cagnat, *Inscr. Gr. ad res Rom. pert.*, IV, 144. 8 (Cyprus, first cent.): *μετὰ πάσης ἀποδοχῆς*. Ditt., *Syll.*³ 867. 20-21 (Ephesus, 148 A.D.): *ἀνδρὸς δοκιματότου καὶ πάσης ἀποδοχῆς ἄξιον*. For much of the illustrative material here and elsewhere in this note we are indebted to Dr. Grundy Steiner.

the day,⁶ in which it appears almost constantly in just that order. Whenever ἀποδοχή is modified by an adjective, that adjective stands before the phrase; and from this one might be tempted to restore Menander's verse with the order πάσης ἄξιος ἀποδοχῆς, were it not for the metrical considerations adduced (n. 2) in favor of the order suggested above.

It is not, then, necessary to suppose that the author of I Timothy was actually quoting from Menander, and it has even been suggested in the case of the apparent quotation in I Corinthians that a proverbial expression was the common source for the thought in both Paul and Menander.⁷ In the present case, however, the semantic history of the word ἀποδοχή would seem to be against this hypothesis, for the word does not appear to have been used in the sense of "acceptation" or "approbation" earlier than the time of Menander and the bulk of examples of ἀποδοχή and its equivalents (see n. 5) are of an even later date, showing it in a phraseology reminiscent of a Menandrian verse. Nothing is commoner than the gradual breakdown from verse into prose of all manner of celebrated sayings. The Commen-

tary in the Schneidewin-Leutsch *Paroemiographi Graeci* will supply literally hundreds, perhaps even thousands, of examples. Above all, the D2 recension of the Alphabetical Corpus,⁸ especially in the late manuscripts, furnishes illustrations in almost every single instance where the original was in verse.

The noun ἀποδοχή is at least as old as Thucydides (iv. 81, where the hypercriticism of Cobet and van Herwerden may justly be disregarded), and it is characteristic doubtless of the archaic character of much of his language that the word is here used in a literal physical sense. The metaphysical meaning ("admit into the mind," or "accept," "approve") appears, however, so frequently in the verb ἀποδέχομαι, from the time of Antiphon, Herodotus, Thucydides himself, and especially Plato, onward (cf. Liddell-Scott-Jones, and G. Kittel, ii, 54) that Menander would have had quite sufficient reason for employing ἀποδοχή in the sense of "acceptation."

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⁶ Cf. Nägeli, *Der Wortschatz des Ap. Paulus* (Göttingen, 1905), p. 87.

⁷ E.g., H. A. W. Meyer, *Critical and Exegetical Handbook to the Epistles to the Corinthians* (New York, 1884), p. 372.

⁸ Now in process of publication, as a doctoral dissertation, by Nathan Dane II. For a parallel from the second century with epigraphical evidence cf. L. W. Daly, *The Allocutio Hadriani Augusti* (Urbana, 1939), p. 88, n. 33.

II TIM. 2:15 AND SOPHOCLES ANTIGONE 1195

In II Tim. 2:15 the expression ὀρθοτομοῦντα τὸν λόγον τῆς ἀληθείας has furnished some difficulty as to meaning. The Authorized Version translates etymologically "rightly dividing the word of truth," a translation which is not very meaningful. The American Standard Version translates "handling aright the word of truth" (i.e., without the coloring of ὀρθοτομέω) and, in the margin, "holding a straight course in the word of truth" and "rightly dividing the word of truth," the latter perhaps as a sort of concession to the Authorized Version. These three different renderings, of course, show that the American Standard Version committee were not sure of the correct rendering. Weymouth¹ translates "because of his straightforward deal-

ing with the word of truth." Goodspeed² gives us "who . . . rightly shapes the message of truth," and Moffatt,³ "[with no need to be ashamed of] the way you handle the word of truth."

Moulton and Milligan⁴ recognize the problem: "The meaning of the NT ἄπ. εἰρ . . . , is by no means clear, but on the analogy of similarly formed καινοτομέω, 'make a new or strange assertion,' it seems best to lay the main stress on the adj. and to understand, by ὀρθοτομέω τὸν λόγον, 'teach the word aright.'"

¹ *The New Testament: An American Translation* (Chicago: University of Chicago Press, 1923).

² *The New Testament: A New Translation* (Garden City: Doubleday, Doran, 1929).

³ J. H. Moulton and George Milligan, *The Vocabulary of the Greek New Testament* (London: Hodder & Stoughton, 1914-30), p. 456.

⁴ *The New Testament in Modern Speech* (London: James Clark, n.d.).

They further support this view by noting that in ecclesiastical writers *ὀρθοτομία* means "orthodoxy." They also remark that suggestions have been made that here we have a metaphor from road-making or from a mason's cutting stones fair and straight to fit.

Although II Tim. 2:15 is the only place where *ὀρθοτομέω* is found in the New Testament, it is found in the Septuagint in Prov. 3:6 and 11:5, where the Hebrew word translated is a causative form (Piel) of the root *yashar*, "to be straight, level, right," and where the meaning in context in the two passages is "to direct, make straight, make level (a way)."

This use of *ὀρθοτομέω* in Proverbs may have suggested this verb to Paul⁵ here, but I am wondering whether, in his choice of words for a very vivid expression of his concept of the necessity for a straightforward, unequivocal

⁵ Despite a current school of critical opinion which denies the Pauline authorship of the Pastoral Epistles and places them much later than Paul, I prefer to follow the conservative school which still holds to Paul as the author. Regardless of one's opinion, however, as to the authorship of the Pastoral Epistles, the parallelism still obtains and throws light on the meaning of II Tim. 2:15.

approach to truth, he may not have been influenced by the phrase *ὀρθὸν ἀλήθει' αἰεῖ*, "truth is always a straight thing," in Sophocles *Antigone* 1195. It is, of course, well known that Paul was acquainted with Greek literature; but, so far as I know, no one has suggested any relation between II Tim. 2:15 and *Antigone* 1195. To me Sophocles' juxtaposition of *ὀρθόν* and *ἀλήθεια* and Paul's concept of "straight (*ὀρθο-*) cutting" through "the word of truth (*ἀληθείας*)" are a significant parallel.

Then the correct translation of the expression in II Tim. 2:15 would be "cutting a straight path through the word of truth," i.e., substantially the first marginal translation of the American Standard Version; and the meaning is that the right approach to truth is straight through without any prejudiced deviations and without any dodging of issues. If I may indulge in a metaphor from football—he means that truth is to be reached by the line plunge and not by broken field running.

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A LAST WORD ON *PATAVINITAS*

It is obnoxious to write on this matter again; but, since Professor MacKay has reopened it (*CP*, XXXVIII [1943], 44-45), I must. This is my last word, however, unless and until new and pertinent evidence is discovered.

Mr. MacKay suggests that *Patavinitas* was a matter of style and further that this style was comparable to the thick and woolly *trilices Patavinæ*. In that case I must ask what Praenestine garments were like, for the accusation brought against Vettius by Lucilius was of the kind *quemadmodum Pollio reprehendit in Livio Patavinitatem*; it was, in short, what we might justly call "Praenestinitas." Again, was African Latinity like African clothes? We are to conclude, I presume, that a French style is like French clothes, an English style like English clothes, Greek style like Greek clothes, and Latin style like Latin clothes. That is what Mr. MacKay's argument implies. But manifestly it is absurd.

For, alas! both Vettius and Livy wrote in

Latin. What, then, is the charge against each, and in what do the charges differ? Not a general *rusticitas* merely, as contrasted with *urbanitas* (quasi "Romanitas," and much more besides) but specific varieties of *rusticitas*, which means much more besides "Praenestinitas" or "Patavinitas" or what not; but these terms do specify lapses into particular local dialects.

However, we know what "Praenestinitas" was: *manios med fhefhaked numasioi* once upon a time (ca. sixth century B.C.); *diouo fileia primogenea*, "Iouis filiae primogeniae," later on; *lubs merto*, "libens merito," about the same date; *conea*, "ciconia," and *tammodo*, "modo," in the days of Plautus; *medidies*, "meridies," in the days of Varro; *nefrones*, "testiculi," and *tongito*, "notio," in the days of Verrius Flaccus—no mean witness to "Praenestinitas." No, Pollio accused Livy of a lapse into dialect, that is all.

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BOOK REVIEWS

What Democracy Meant to the Greeks. By WALTER R. AGARD. Chapel Hill: University of North Carolina Press, 1942. Pp. xii+278. \$2.50.

There is a providential circumstance long ago observed that when you are at war God is on your side. It has been more recently discovered that you have another important ally also—that is history. Human experience proves your cause right. Our German colleagues recognized this originally Marxian conception or had it officially called to their attention some years ago and used events of classical antiquity to approve fascism. This procedure has been deprecated in our reviews, but now we too see its merits. Once our scientific scruples blinded our judgment, ἀλλ' ἅπ' ἐχθρῶν δῆτα πολλὰ μανθάνουσιν οἱ σοφοί, and we are no longer outdone in marshaling history on our side. Professor Agard, of Wisconsin, offers herewith, as part of a North Carolina series of studies of democratic government, an examination of the institution in ancient Greece and comes to the highly respectable conclusion that it was a good thing then and is still a good thing.

In view of the estimable purpose of the volume and its timely message, it would be ungracious to be critical. The author is an exponent of the broad approach. He is a veteran of Dr. Meiklejohn's Experimental College, which had at one time a wide influence on classical teaching and greatly facilitated the spread of the type of course known in some universities as "Classical Civilization"—a kind of synthesis of history, literature, and the arts. Students' attention was drawn to the greater monuments of antiquity, written and unwritten, to the end, in part, that they should become acquainted with man's most memorable accomplishments and should observe the historical process in the light of its leading ideas. The value of this approach is obvious. Without it, we can come to no true appreciation of the past. Its danger lies in its difficulty. It is hard

to know all things well. One is tempted into easy generalization and confusion of thought. Comparisons of period with period and institution with institution spring to mind and are almost irresistible. One looks before and after, even if sketchily, and feels himself a prophet.

Greek democracy means, practically speaking, Athens. Argos was a democracy too, but who cares about Argos? She never would serve to demonstrate the author's thesis, that "the history of scientific discovery, artistic creation, business improvements, educational, ethical and religious advance, demonstrates that only in so far as the many have been called have the few been chosen." Neither, for that matter, would the courts of the tyrants or Ptolemaic Alexandria. The bulk of the book, the central hundred and fifty pages, is an account of Athens, starting with "Pericles' Platform" (the Funeral Speech, which was at all events Thucydides' platform and the same thing for us) and ending with the conclusion that "the balance sheet, in view of the actual accomplishments of fifth-century Athens, was overwhelmingly in democracy's favor." This makes good reading. It is not the world of tribute lists and tribal cycles; but Professor Agard knows well his dramatists and his Thucydides, and the chapter on "The Evolution of a Hero"—the development of Theseus as the ideal Athenian—is original and interesting. Athens appears as a pretty good democracy, even though omitting from its benefits women, children, slaves, metics, and, of course, the *hypekooi*, and accomplished fine things. One might like to see a discussion of the problem of *misthophoria* and the twenty thousand citizens engaged in public service, for even in Athens it cost money to call the many and choose the few, but the author belongs to that school of political scientists which does not count costs.

Otherwise the volume begins with Homer and ends with Epictetus. Both the earlier and the later periods come a little short, as they probably deserve; it would take more than

even Professor Agard's enthusiasm to make them democratic. Zimmern omitted them entirely. After an opening chapter entitled "What Does Democracy Mean?" which seems to equate democracy with co-operative effort and free association, which alone, "in the long run" (a saving phrase) have stimulated human initiative or fostered human happiness, we have Thersites and Alcinoüs, Hesiod, the *Aufklärung*, Solon, and Clisthenes (whose institution of ostracism, if it was his, turns out to be undemocratic; cf. p. 153) but no consideration, for example, of the vexed and not unrelated question of the rise of the polis. This is for background of the Greek city by excellence—the gleaming, violet-crowned, and storied—the defense of Greece. Athens' subsequent fortunes are briefly described in a chapter entitled "The Fading Tradition"; this expresses the author's feeling toward everything after Aegospotami. Chapters are then given to Plato, who ought to have been a democrat, and Aristotle, who very nearly was, and to the Leagues, which did pretty well but fell into the usual temptation, went to war, and met their downfall. Diogenes, Zeno, Epictetus, *ataraxia*, and world brotherhood lead finally to the Epilogue: In view of all our modern resources, the struggle to attain and maintain democracy should turn out better than it did in Athens.

All this includes many sound observations and displays both a taste for classical culture and considerable familiarity with it. As an analysis of the nature and functioning of Greek democracy it is based on a very slender foundation, and it never touches the real problems. Never is the question asked, What did the Greeks mean *by* democracy, this "rule of the people," which they explored as one of the many forms of compromise between individual advantage and group interest? Did the term ever mean more than control by a faction, wherein the commons, the little people, served as source, interpretation, enforcement, and beneficiary of the law? Did any Greek mean by the term a government of the people as a whole? Can the government of Pericles be regarded as a democracy, properly speaking, at all and not rather as a mixed form? Thucydides apparent-

ly thought so; but Professor Agard is, as he remarks of Aristotle, "interested primarily not in the machinery of government but in the purposes of government" and in the ends which government serves. Thus an inherent confusion underlies the study, and democracy becomes a catchword which can mean anything or nothing. The serious student of political institutions will come away disappointed. For the uncritical reader, however, the book may be a real pleasure. Looking back, he may take confidence in the soundness of his own values and find hope for their continuance. For the expression of this confidence and hope we may all be grateful, in the present critical state of our fortunes; *νῦν ὑπὲρ πάντων ἀγών*.

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The Local Historians of Attica. By LIONEL PEARSON. ("Philological Monographs," published by the American Philological Association, No. 11.) To be ordered through the Lancaster Press, Inc., Lancaster, Pa. Pp. xii+167. Price, \$2.25; to members of the Association, \$1.50.

A few years ago Professor Pearson published a monograph on the *Early Ionian Historians* (Oxford, 1939); he now continues his studies of the lesser Greek historians in a volume dealing with the Attidographers of the fifth, fourth, and third centuries. About one-third of the former book dealt with the various works of Hellanicus of Lesbos; some of this material is now repeated and expanded into a chapter devoted to Hellanicus' *Atthis*, while subsequent chapters deal with Cleidemus, Phanodemus, Androtion, Philochorus, Ister, and a few lesser writers. In each case the author reports and discusses what the Testimonia and Fragments have to say about the historian's life, his interests and methods, and the arrangement of his history. Other chapters are devoted to the influence of the *Atthides* upon Thucydides and other Greek historians and to the general character of the *Atthis* tradition.

Pearson believes that toward the middle of

the fifth century intelligent Athenians became aware of how little they knew about their city's past and felt somewhat humiliated in the presence of Ionian histories. Perhaps Pericles himself invited one of these Ionian historians, Hellanicus, to come to Athens and write her history. Though Pearson rejects the traditional date of Hellanicus' birth (495) as too early and scarcely gives serious attention to the other legend that both he and Euripides were born on the day of the Battle of Salamis, it is hard to believe that Pericles was responsible for the writing of the *Atthis*, in view of the fact that it apparently was not published until after 406, at least twenty-three years after that statesman's death. In writing this history, Pearson continues, Hellanicus established a literary pattern that was accepted by all later Atthidographers. The first part of the book was an archeology, dealing with mythical times; the second covered the dark centuries from the Trojan War to the fifth century, about which the author had little or no information and therefore filled in with matter concerning topography and local cults; and the third part dealt with recent times, perhaps in annalistic form. Later writers were not always in agreement about specific events, but all followed this general pattern. It is possible to trace a development between Hellanicus and Philochorus—the first and the last of the Atthidographers—in matters such as their treatment of myths, for, while the former sought primarily to harmonize various stories, the latter was anxious to rationalize or explain away their objectionable features. Pearson devotes a whole chapter to discussing the influence of this literary tradition upon Thucydides, believing that in many ways the great historian followed the *Atthis* tradition—though there is no discussion of the chronological problem involved if we admit that the *Atthis* was published after 406 and accept Thucydides' statement that he began writing at the outbreak of the war. He also believes that Ephorus was much influenced by this tradition, but not Xenophon or Theopompus. Pearson takes issue with Wilamowitz and others who believe that Aristotle relied heavily upon the *Atthides* when writing his *Constitution of Athens*; he

finds little trace of such influence, even in matters of chronology.

The author is, of course, dealing with very slippery materials, regarding which scholars are not likely to reach unanimity of opinion. All that we know about these early historians is derived from a few brief fragments preserved by antiquarians of Roman or Byzantine times. Pearson's scrutiny of these fragments is conscientious and minute—at times almost too minute—but it is questionable whether so elaborate an edifice as his can safely be built upon them. He does not raise the fundamental question of whether the fragments adequately reflect the nature of the *Atthides*. It might have been a valuable prolegomenon to this study had its author carefully examined the methods and tastes of the men who preserved the fragments. He might, for example, have reconstructed Herodotus or Thucydides by the methods he uses for Hellanicus and then compared his reconstruction with our actual text. Reconstruction and text would, of course, differ widely; and presumably Hellanicus' text, if available, would differ just as widely from Pearson's reconstruction of it. Many of our fragments of the *Atthides* deal with religious antiquities, it is true; but is this because the Atthidographers wrote much about them or because the excerptors preserved everything said on that subject, in which they were themselves interested, and neglected other matters in which they found no interest? Two of the Atthidographers (Cleidomenes and Philochorus) were exegetae and therefore presumably interested in such things; but did Hellanicus, who is alleged to have set the pattern, take an equal interest in religious matters? Our few fragments do not permit us to answer this question one way or the other.

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Bedae Venerabilis Expositio Actuum Apostolorum et Retractatio. Edited by M. L. W. LAISTNER. Cambridge: Mediaeval Academy of America, 1939. Pp. xlv+176. \$3.50; to members, \$2.80.

We moderns think of Bede primarily as a historian, and we are unquestionably right in

considering his *Historia ecclesiastica* not only as his chief work but also as one of the best historical productions of the Middle Ages. But in his own period and for many centuries after, Bede was thought of rather as a theologian, as an authoritative commentator on Scripture; and it was as a theologian that he exercised his principal influence before modern times. Hence it is most unfortunate that his theological works have been so much neglected and that they have been available only in such unusually defective and bad editions. The present volume is, therefore, most welcome, since it marks the beginning of a modern critical edition of Bede's theological writings.

In his Introduction the editor takes up the following matters: "I. Earlier Editions of the Two Commentaries"; "II. Date of Composition"; "III. The Manuscripts"; "IV. The Glossary of Geographical Names"; "V. Bede's Sources"; "VI. Orthography."

The two commentaries on the Acts were chosen for editing because they were composed at widely separated periods of Bede's life and thus enable us to study his treatment of the same subject at different stages of his scholarly development; because they are especially concerned with textual criticism and are consequently important not only for evaluating Bede's method and worth as a textual critic but also for supplying significant information on the text transmission of the Latin Bible; and, finally, because they constitute really a pioneer effort, since the Acts had been largely neglected by the Latin commentators, and the Greek commentaries were not available to Bede.

The editor has been able to reach more definite and more acceptable conclusions as regards the dating of the commentaries than his predecessors. He holds that the *Expositio* was most probably published soon after 709 but had been compiled from notes made over a number of years and that the *Retractatio* was most probably composed between 725 and 731.

The text of the *Expositio* is established on the basis of fifteen manuscripts, which fall into two main groups. The editor, moreover, had adequate control of fifty-two other manuscripts containing this commentary. The text

of the *Retractatio* is based on the complete collation of seven manuscripts, on a partial collation of five manuscripts, and on an adequate control of the readings of eleven additional manuscripts. The editor also examined five conflated manuscripts of the *Expositio* and *Retractatio* and has listed twenty-four unclassified manuscripts, ranging from the tenth to the fifteenth century, which contain the two works or the *Expositio* only.

Professor Laistner has made a distinct contribution as regards the *Nomina regionum et locorum de Actibus Apostolorum*, the authorship of which has hitherto been very doubtful. On the basis of the best manuscript tradition, he has indicated that, beyond any reasonable doubt, this geographical glossary was compiled by Bede. A critical edition of the work, based on a collation of twelve manuscripts, forms a valuable appendix to the present volume.

The editor has spared no pains to run down Bede's sources as far as possible. Only those having long experience in that difficult but highly necessary labor of identifying citations in medieval authors can appreciate the full extent and importance of his contribution here. While he modestly admits that "there may be some quotations or adaptations, especially from Augustine, that he has missed," the reviewer, on the basis of a careful reading of the text, is convinced that no significant citation has escaped detection. The observations on Bede's citations from the Bible should be of special interest to biblical scholars.

The section on orthography contains a critical treatment of Bede's orthography in the light of the evidence furnished by his *De orthographia* and by the best manuscript tradition, and an explanation of the orthography adopted by the editor.

The Latin text is edited and printed with scrupulous accuracy. Biblical quotations are in italics, while other quotations are indicated by quotation marks. The critical apparatus is clearly arranged and is sufficiently full to enable the reader to control all variants which in any way can be considered significant. Useless variants have been rigorously excluded.

There are four excellent indexes: Index

Scriptorum (A. Sacra scriptura; B. Auctores; C. Codices biblici); Index nominum rerumque notabilium; Index allegoricae interpretationis; and Index Graecitatis.

The following minor criticisms are offered. The unclassified manuscripts listed on page xxxvi would probably contribute nothing to the establishment of the text, but it would be desirable to have control of the readings of the earlier manuscripts at least in the list. On page xlv the discussion of the titles of the two works follows the treatment of "Assimilation" as if the two subjects were closely related. The question of the titles is so important that a new heading might well have been introduced here.

The present edition is an outstanding achievement, and it is sincerely to be hoped that Professor Laistner will continue to furnish us with similar critical editions of the theological works of Bede.

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Outline of Linguistic Analysis. By BERNARD BLOCH and GEORGE L. TRAGER. Baltimore, Md.: Linguistic Society of America, 1942. Pp. 82. \$0.75.

Responsible and truthful men warn us against the expectation that the war will end tomorrow; it is an undertaking that will take time, and there are limits to "acceleration." Rome was not built in a day. But now it has been told to the Army and Navy (apparently not to the Marines) that there is no longer any such limit to "acceleration" in the teaching of languages (or of other things) as responsible and truthful men have been wont to believe from long experience. Many of us have compressed into the six weeks of a summer term the work ("accelerated") of a semester. But must we stop at that? Let the teacher give his thirty-six lectures in three days, twelve hours a day, or in thirty-six consecutive hours, which is still less—less even than two days. Arnold Bennett (*How To Live on Twenty-four Hours a Day*) could not better that. Whether the teacher would know anything at the end

may be doubted; whether the students would may not. There *are* limits.

But we have had advance news of the accelerating methods of the *Outline*, which is to revolutionize all this. Acceleration in the field of languages is to be achieved by means of "linguistic analysis." What is "linguistic analysis"? It is not necessary to read this pamphlet through with any great care in order to discover in what linguistic analysis differs from grammar, for on page 8 the admission is made that there is no difference. It may be suspected, however, that a linguist is something different from what we had believed. Patently the difference, and so far as I can find the only originality of the pamphlet, lies in this (p. 8 also): that a linguist is not a man with a command of languages but a

scientist whose subject-matter is language, and his task is to analyze and classify the facts of speech [sic], as he hears them uttered by native speakers or as he finds them recorded in writing. . . . When he has described the facts of speech in such a way as to account for all the utterances used by the members of a social group, his description is what we call the system or grammar of the language.

But this is nothing new, it is actually nothing more than the method of traditional grammar formalized. I regret to see that anyone at all can be taken in by the grandiose and specious nonsense of current claims that a man who has had about six months' acquaintance with a language on these methods will pretend to teach it or that students who have had only eight weeks' instruction are to be judged successful speakers (and also, it may be asked, understanding listeners?)—claims that would be comic if they were not tragic and potentially disastrous to us all.

There is a story about the university in which it was proposed to offer a half-course in a certain language, which, it was claimed, could be mastered in six weeks; but that fact in itself defeated the proposal—six weeks' work does not make a half-course. And there is the story about the university the president of which asked his faculty to state, each man, the work for which he was best fitted after his own specialty, and all, except in the department of

linguistics, put down linguistics as the next choice.

The *Outline* is essentially a summary of Bloomfield's *Language* and, like it, despite all denials, rests upon a well-known but questionable psychological basis. It will be useful to the weaker brethren, who will now not be put to the trouble of reading through Bloomfield. The authors, I know, their own assertions notwithstanding, do know some languages; but Greek is not one of them. Nobody says *mathe-mics* instead of *mathematics*; and I, for one, do not say, and never shall, *phonemics* for *phonematics* or *phonemic* for *phonematic*.

The birth of this *Outline* was much touted, and I awaited it eagerly, as a new revelation. It is not new; there is nothing new in it. I have tried to judge it without prejudice, but I am disappointed in it, and it brings to mind nothing so much as the parturient mountain. The treatment of morphology in particular is under the domination of traditional Indo-European and Latin grammar. In fact, there are many languages the description of which cannot be fitted into this treatment of forms and syntax, which is fundamentally a treatment suitable for languages of Indo-European or similar type.

To paraphrase L. J. Henderson on *The Study of Man*, three things are required of a would-be linguist: first, intimate, habitual, and intuitive familiarity with a very large number of languages of different types; second, systematic knowledge of them; and, third, an effective way of thinking about them, of working with them. It is precisely the failure of present-day linguists to recognize and to pass these tests that involves their science in the grievous failure of all the social sciences; yet the fact is obvious that, given hard, persistent, and unremitting labor, linguistics is better placed for real progress than any of the other social sciences. But the *sine qua non* is to learn languages in the first place, not merely to learn about language or about languages. That is simply to put the cart before the horse. There is no substitute for a knowledge of languages. But then it is so much less painful to discuss theories and to manipulate techniques than to acquire highly developed, systematic

factual knowledge, to deal, as Henderson puts it, with *noumena* rather than with *phenomena*. Neither linguistics, however, nor the other social sciences will become any more fruitful until they conform to his requirements and methods, which really are, after all, only scientific ones. *Tum demum.*

J. WHATMOUGH

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The Greek Historians. Edited by FRANCIS R. B. GODOLPHIN. New York: Random House, 1942. 2 vols. Pp. xxxviii+1001 and 964. \$6.00.

This collection conveniently brings together standard translations of several of the most important Greek historical works. The editor has used, with some corrections, Rawlinson's Herodotus, Jowett's Thucydides, Dakyns' Xenophon (*Hellenica* and *Anabasis*), and Chinnock's Arrian (*Anabasis*). Of these he found that the translations by Jowett and Chinnock were least in need of alteration. These four historians are treated as the chief part of the work, and for each there is a rather full index at the end of Volume II. It is a pleasure, however, to find that the Appendix, in addition to brief discussions of coins and measures and a short glossary, also contains translations of the Behistun inscription of Darius (Rawlinson), "The Old Oligarch" (Dakyns), Xenophon's *Ways and Means* (Dakyns) and *Constitution of the Spartans* (Dakyns), Aristotle's *Constitution of Athens* (Kenyon), and Arrian's *Indica* (Chinnock). The editor's Introduction gives a short and readable but inevitably superficial account of Greek historiography. The Selected Bibliography (I, xxxviii) is excessively brief and does not even list Bury's *The Ancient Greek Historians*.

To have included Polybius in a collection already so large probably would have made it too bulky from the publisher's point of view and have added too much to the heavy task of the editor. Yet to omit the historian who ranks next in importance after Herodotus and Thucydides from a collection that by implication contains all the best of Greek historiography is unfortunate. It is doubly so, since the

editor places so much emphasis on the methods of historians. Equally unfortunate is the brief and misleading account of Polybius (p. xxiv) with its emphasis on "his hypostatized concept of Fortune or Destiny" and no mention of his treatment of causation or his "pragmatic history."

With the selection of translations there can be no quarrel, provided these have been adequately corrected in the light of recent scholarship. The critical editions listed in the Bibliography suggest that the translations have been checked with standard editions; but in spots the text and notes show that points have been missed and that the editor's knowledge at times is at fault. The notes, by the way, vary considerably in density. There are relatively many notes on the first books of Herodotus. These, as far as I have checked them, are based on Rawlinson. Otherwise Aristotle's *Constitution of Athens* has been given the fullest set of notes. A few details will be noted below.

Though certain Spartan institutions were remarkably long-lived, it is an exaggeration to say that Sparta's "political and social structure was almost static" (I, xix).

A note (I, 69, n. 67) based on Rawlinson calls Tartessus a Phoenician colony. This is, to put it mildly, very doubtful.

To have a "nomarch" transformed into a "monarch" (I, 163, n. 87) is more amusing than confusing.

A note on Aristotle's *Constitution of Athens* 2 defines *Hectemori* correctly, in my opinion, as "those who paid a sixth portion"; but would it not be well to call the attention of the reader to the problem involved?

There is no adequate commentary on the constitution of Draco. The ghost of this constitution has been laid so frequently and so effectively that it should not be allowed to rise again to trouble the student.

A note on the Euboic and Aeginetan standards (II, 683, n. 13) states that "the weight of the Aeginetan mina was only equivalent to seventy Euboic drachmas." This, of course, is badly confused, for the Aeginetan drachma was heavier than the Euboic. It is also doubtful whether "each mina had 100 drachmas in its own standard." Certainly, in accounts of later times there were 35 Aeginetan staters or 70 drachmas to a mina, and there probably never existed an Ae-

ginetan mina containing 100 Aeginetan drachmas. This may still be heresy, but see Beloch, *Griechische Geschichte*, I, ii, 335 ff.; Seltman, *Greek Coins*, pp. 41 f.; De Sanctis, *Storia dei Greci*, I, 453.

The *diobelia* first granted by Cleophon is still translated as "the two-obol donation for theatrical performances" (II, 699 f.), though the role thus assigned to Cleophon contradicts all that otherwise is known about theoric distributions and though it now is pretty generally held that Cleophon's *diobelia* was a dole (see, e.g., CAH, V, 344; Tod, *Historical Inscriptions*, p. 206; De Sanctis, *op. cit.*, II, 384).

The *klerotera* of the *Constitution of Athens* 63. 2 remain "rooms in which the lots are drawn," in spite of Dow's convincing demonstration that they were allotment machines (*HSCP*, L [1939], 1-34).

The criticisms made are the result of rather hurried examination, but it should be noted that several of the points criticized are tricky and difficult. The collection gives a great deal in a convenient form and is likely to be used extensively. But Greekless students that read it under the direction of more or less Greekless teachers should be made to realize that their knowledge can be only superficial, that there are countless problems that cannot be solved merely by the aid of a translation, and that no such edition as the present that inevitably must be prepared in haste can be perfect, even when the editor is as good a scholar as Godolphin.

J. A. O. LARSEN

University of Chicago

Latin Literature in Translation. By KEVIN GUINAGH and ALFRED PAUL DORJAHN. New York: Longmans, Green & Co., 1942. Pp. xviii+822. \$4.00.

A great deal of effort is being made today to effect a renaissance of interest in Greek and Roman classical studies. The movement seems to be enjoying a measure of success. The almost universal feeling among classicists is that there are educational values inherent in the study of the literature of ancient Greece and Rome that could reach a larger audience through the medium of translation. It is evi-

dently with this in mind that the authors of *Latin Literature in Translation* undertook this work.

One admires the courage and devotion of authors who are willing to expend as much time and labor as are involved in a work of this kind. To read the volumes of existing translations, to weigh this translation against that, to acquire new translations in the place of those forbidden by copyright, to read nearly a thousand pages of proof—only a classicist would undertake the task. If there were not a great purpose back of the enterprise, a critic might say with Oedipus,

Blind thou art in ear, eyes, and mind.

But a great purpose justifies any effort. The authors state that theirs is to help students get a liberal education; to help them understand allusions in English literature; to instigate them to want to study Latin in the original (p. vii).

The authors have gathered 244 selections from 28 Roman writers. Not all writers were included, such as Phaedrus, Aulus Gellius, Nepos, Lucan, Statius, Pliny the Elder, Jerome, and Saint Ambrose; but these were omitted because the authors preferred to give more material from fewer and more important writers (p. v).

The translators are legion. Among old favorites such as Melmoth, Cranstoun, Frere, Landor, Byron, Longfellow, Dryden, Conington, Milton, and Swift we find men of today such as Oldfather, Dorjahn, Guinagh, Murley, Nybakken, Nixon, and Forbes. In the translation of Horace's works, over a score of translators, old and new, try their hand. The authors have been well aware of the need of discrimination when dealing with the subtleties of Horace's verse.

In format the book has been shaped to accommodate the numerous selections in verse form. It is narrow east and west but very long north and south. Some may not like this unorthodox format. In fact, the reviewer feels that, since only 190 of the 804 pages are set in short-line verse, it might have been better to center the short verses on a wider page and thus to have obtained a more attractive for-

mat. This arrangement would have decreased the total number of pages or at least have given the student a wider margin on which to scribble his notes. The reviewer recalls a remark of Paul Shorey years ago in a Greek course: "A student's best notebook is the margin of his textbook." Anyone who has sat near enough to peer into Professor Shorey's textbooks will understand what he meant.

A distinctive and, I think one may say, refreshing feature of translation is that offered by Professor W. A. Oldfather in his rendition of the *Phormio* and *Adelphi* of Terence. Here the translator, after a prefatory warning (p. 84) that his style may be "something distinctly less than the manner of Terence," offers a version intelligible, as he says, to the collegian of the Middle West. Examples of this modernization are "a right tough proposition"; "taking it on the chin"; "she didn't have any make-up"; "not so bad at that" (all on p. 87); "he didn't pull his punches" (p. 138). Opinions on Professor Oldfather's diction compared with that of any other translator, such as Paul Nixon, may differ, but the argument has merit that to attract the American college student one must talk to him in his own language. Professor Oldfather is trying to entertain the student, not improve his use of English.

Among the classic English versions of Catullus flashes out a gem—that from the hand of author Kevin Guinagh himself, "Formian's Girl-Friend" (p. 291). In contrast, it seems to this reviewer, is Arthur Golding's infelicitous translation of Ovid's *Metamorphoses*, particularly "Daedalus and Icarus" (p. 576). The labored rhyme is seen in the following:

But seas enclosed him as if he had in prison be:
Then thought he, "Though both sea and land
King Minos stop from me, etc."

The writer would not care to read much of Golding over the air.

At the close of the selections of most of the authors a brief bibliography of suggested readings is given. One could wish that the score of half-empty pages might have been filled with further offerings. It is surprising not to find any mythologies such as Gayley's or Bulfinch's listed in these bibliographies, especially under

Catullus, Ovid, Vergil, Horace, Martial, and Apuleius. These would aid in correlating the work with English courses.

A glossary of some seventeen pages concludes the volume. This is handy, although inadequate, as most glossaries are. Such an implement, augmented by a handbook of classical mythology, a work on classical antiquities, a Roman history, a work on Roman private life, assures the student of an understanding and enjoyment of Latin literature in translation.

The success of the authors in presenting Latin literature in translation to college classes is a strong recommendation for the use of this book. Forward-looking, progressive-thinking teachers of Latin and Greek are inaugurating courses of the kind offered by Professors Guinagh and Dorjahn. However much we may lament the withdrawal from first-line trenches in the classical field, we should be glad that we may serve the cause of education by giving translations to those who cannot or will not translate.

DORRANCE S. WHITE

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Selections Illustrating the History of Greek Mathematics, Vol. II: *From Aristarchus to Pappus*. Translated by IVOR THOMAS. ("Loeb Classical Library.") Cambridge: Harvard University Press; London: William Heinemann, Ltd., 1941. Pp. xii+683. Cloth, \$2.50; leather, \$3.50.

This volume completes a set of two volumes, whose aim is to "furnish a reasonably complete picture of the rise of Greek mathematics from its earliest days . . . useful alike to classical scholars and to mathematicians . . . by presenting the main Greek sources side by side with an English translation, reasonably annotated." As far as can be done in two volumes, this plan is here carried out in an admirable way. Volume II covers the period from Aristarchus to Pappus; the passages selected are important and interesting; the translation is accurate and in good style; and there are useful indexes.

The volume is arranged partly by author

and partly by subject. The authors are Aristarchus, Archimedes, Eratosthenes, Apollonius, Hipparchus, Menelaus, Ptolemy, Heron, Diophantus, and Pappus; the subjects include conic sections, trigonometry, integration, indeterminate analysis, mechanics, hydrostatics, mensuration, optics, algebra, the parallel postulate, distance of the sun and moon, diameter of the earth.

The mathematical works are introduced, where possible, by personal notices from ancient sources. Thus we are given almost in the full the well-known account in Plutarch of the lofty ideals and amusing personal habits of Archimedes, and from Archimedes himself are taken the sentences about Aristarchus and his heliocentric theories which prove him a true "Copernicus of Antiquity."

The text of Aristarchus is represented by the theorem comparing the distances of the sun and moon, no mention being made of the later theorems on the sizes of the sun, moon, and earth. Then come Archimedes and Apollonius, who are treated with still greater severity of selection. From the first book of *Sphere and Cylinder* is chosen a set of theorems to illustrate the result which Archimedes himself considered as his masterpiece; it is familiar to classical readers from the graphic description given by Cicero of the inscription and diagram on the neglected tomb of Archimedes in the long grass outside Syracuse. In the second book comes the problem of dividing a sphere in a given ratio by means of a plane—a problem which involves the ancient methods of solving a cubic equation. From *Conoids and Spheroids* there is given, together with a suitable note on ancient integration, the theorem which determines the volume of a paraboloid of revolution. From *Spirals* comes the important theorem on the subtangent, which has aroused great interest because of its connection with the process of differentiation. Semi-regular solids are interestingly dealt with. The notation is given whereby Archimedes expresses the number which we write today with the figure 1 followed by eighty quadrillion zeros. In *Cattle of the Sun*—a problem in indeterminate analysis, supposedly presented by Archimedes to torment Apollonius—the com-

plete answer would involve a number of cows and bulls written with more than two hundred thousand digits. From the books on *Equilibrium* we have the principle of the lever and the determination of centers of gravity. The *Method* in geometry is a kind of integral calculus, which created great excitement when it was discovered in 1906 in Constantinople on a religious palimpsest; it is illustrated by the theorems for finding the area of a parabolic segment. From *Hydrostatics* we are given, in addition to an extremely important theorem on the stability of floating paraboloids, the mathematical background of Archimedes' famous leap from the bathtub and naked run through the streets of Syracuse.

The selections from the *Conic Sections* of Apollonius are taken entirely from the first book. They culminate in a theorem on transformation of the co-ordinate axes provided by any diameter and the tangent at its extremity. From the lost works of Apollonius appear interesting fragments on a wide variety of subjects.

The varied selections given from other Greek mathematicians will hold the fascinated interest of any reader. We are told how Eratosthenes determined the diameter of the earth by watching rays of the noontide sun in two deep wells six hundred miles apart; how the ancients discussed with great acuteness the parallel postulate of Euclid; how the astronomers Hipparchus and Ptolemy constructed their tables of sines; how the theorem of Menelaus, known in some form to every schoolboy, is applied to celestial geography; how Diophantus practiced the analysis which now bears his name; how numbers were expressed as sums of squares in a way which later so intrigued Fermat; and, finally, how Pappus, in the fourth century A.D., produced among many other discoveries his famous theorem which plays a fundamental role in modern pure geometry.

Errors and blemishes in the book are negligible. In the footnote on page 47 the name of Eudoxus should appear; it is probable that the method given on page 250 for finding the proportions of gold and silver in King Hiero's crown is subsequent to Archimedes' first dis-

covery; there is a slight imperfection in the printing of page 355; the second footnote on page 519 is misleading at first glance. But these are small matters; they will disturb no one's pleasure in reading a book which has a great deal of pleasure to offer.

The reader should keep in mind that these two volumes offer only an illustration of Greek mathematics. In his Preface the author hopes that he has given "a reasonably complete picture." But for this purpose surely two volumes are insufficient to deal with a subject like Greek mathematics, which, as the same author says, "is one of the most stupendous achievements in the history of human thought." If, for example, one were to ask a modern mathematician what impresses him most in Apollonius, he might answer that it is the treatment of the evolute of a conic as the locus of points from which the normal to the curve is either a maximum or a minimum. But in these volumes lack of space precludes even the mention of these theorems. The same remark applies to all those general theorems concerning foci, poles and polars, sets of tangents, projective pencils, etc., which in modern times have been taken as definitions of a conic. In the selections from Archimedes we miss the general theorems on segments of spheres, the integrations on ellipsoids and hyperboloids, the theorem on the area under a spiral, and the rich contents of the second book on *Floating Bodies*, which was so fancifully seized upon by the imagination of Edgar Allan Poe.

The same restriction of space is apparent in the annotation. It is of excellent quality and very "reasonable," but it sometimes suffers from sins of omission. Let us suppose, for instance, that some reader has heard of a passage in Greek mathematics which is connected with differentiation. Naturally the passage is included in this volume; yet how will he find it? A substantial footnote is needed here with a suitable insertion in the Index.

These difficulties arise from the fundamental difference between the present volumes and all others in the Loeb series. James Loeb wrote in 1912 "the series is to include all that is of value and of interest." But these volumes give

only selections, a departure from previous practice which is justified by the attractiveness of its result. Yet this attractiveness itself shows how desirable it will be to have a more complete place in the series for Archimedes and Apollonius.

S. H. GOULD

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Philodemus: On Methods of Inference: A Study in Ancient Empiricism. Edited, with translation and Commentary, by PHILLIP HOWARD DE LACY and ESTELLE ALLEN DE LACY. ("Philological Monographs" published by the American Philological Association, No. 10.) Lancaster, Pa.: Lancaster Press; Oxford: B. H. Blackwell, Ltd., 1941. Pp. ix + 200. \$2.50.

Half of this volume is given to text and translation and the rest to essays entitled "The Life and Works of Philodemus," "Introduction to Philodemus' *On Methods of Inference*," "The Sources of Epicurean Empiricism," "The Development of Epicurean Logic and Methodology," and "The Logical Controversies of the Stoics, Epicureans, and Sceptics." There is an index of Greek philosophical terms and a general index. The documentation is abundant.

The study itself is a capable piece of work based upon false assumptions. It is assumed that the chronological order of the dogmatic schools was Stoics, Epicureans, and Sceptics, which is the exact reverse of the truth, thanks to Zeller. It is assumed that Diogenes Laertius and Sextus Empiricus may be trusted to report the doctrines of Epicurus with more fidelity than Epicurus himself; references to his extant works are few and inconsequential. It is assumed that, according to Epicurus, "all perceptions are true"; this makes no allowance for the ambiguity of "true"; perceptions may be "real" without being "true." It is assumed that, according to Epicurus, "all knowledge is derived ultimately from perception" (p. 129, no footnote to this point); Epicurus was an intuitionist, as the authors half-admit in recognizing "non-sensory cognition" (p. 113, n. 1). It is assumed that the term "anticipation" signified the result of "accumulated experi-

ences," which means preferring the philosopher Diogenes to Cicero, who rightly asserts that Epicurus believed in "innate ideas" (*De natura deorum* i. 16-17. 43-45); the truth of this is borne out by the term "anticipations," because general concepts, being innate, anticipate experience. This fact creates the necessity of demonstrating to what extent Epicurus may be called an empiricist; that he was an empiricist the authors assume. Consistent with this error is the misrepresentation of the argument from "inconceivability" as a basis for rejecting any doctrine "that does not accord with experience" (p. 156). For example, when Epicurus declares (*Herodotus* 56) that no one has seen an atom, this is an argument from experience; but, when he declares it inconceivable that anyone should see an atom, this is the argument from the fundamental principle that atoms are invisible. Inconceivability is not correlative to experience.

Naturally, no arguments based upon all these fallacies could be sound, as far as Epicurus is concerned; but they may be sound for his successors, who were harassed by the Stoics into sponsoring an empirical method which was in large part alien to the founder. It is a mistake of the authors to identify the successors—smaller men—with Epicurus. He is the misunderstood man of Greek philosophy.

The translation has already been warmly praised and sharply criticized. It is more true to the thought than to the language. It is free and fluent and with its agile use of modern logical terminology will appeal strongly to the man without Greek. The reader who knows his Greek will feel, perhaps, that the authors display more skill in writing than in translating and have assimilated the version to the essays. These reveal an able handling of logical categories and as expositions of Philodemus constitute a real advance in knowledge. Unfortunately, we are all accustomed to regard Epicurus from the Roman point of view, and the authors are working within this false tradition. What is proved for a Roman garden is not necessarily proved for the garden in Athens.

NORMAN W. DEWITT

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University of Toronto

An Economic History of Athens under Roman Domination. By JOHN DAY. New York: Columbia University Press, 1942. Pp. xi+300. \$3.50.

The reviewer began to read this book with eager anticipations, for, as the author himself points out (p. vi), one of the desiderata for the economic history of the imperial period is a study of Greece from this angle. As he perused it, a vague feeling of disappointment began to gather, which crystallized into quite definite form at the close. This dissatisfaction did not arise from any defects in technical execution but was engendered by the choice of the subject itself and also by the author's manner of approach.

In economic history we seek to study what is typical; the observations we draw from the collected and classified facts will, we hope, be applicable over a wide range in space and time. If the subject chosen has special peculiarities, the deductions must necessarily be qualified if applied elsewhere. Now Athens had certain peculiarities: first of all, she was a university town; second, she had a great historical past; third, she had been a great commercial center. Individual parallels can be adduced in other cities, but the combination is unique. Economically speaking, the chief effect of these circumstances upon Athens, as distinguished from the rest of Greece, was to increase the city's invisible balance. The students, even if the throngs of which Philostratus speaks are an exaggeration, were certainly numerous and must in many cases have been accompanied by attendants. Day realizes this point (p. 182) but fails to emphasize it sufficiently, in the reviewer's estimation.

In the imperial period, also, Athens' past had a drawing-power for gifts and benefactions far superior to that of the average Hellenistic metropolis. True, the inscriptions may yet give us data on other individuals like Opramoas, but there appears to have been only one Herodes Atticus. There is, consequently, an antecedent probability that these archeological data from the site will give us a picture more vivid and prosperous than the reality. The writer is conscious of this point but does not make it as clearly as might be done.

From the angle of exposition, the reviewer's chief criticism is that the development at Athens is not tied in and integrated with the general trends in the Empire. These should be sketched briefly and not hinted at, as is done for the most part. The paragraphs are extremely long, as are the chapters, which seem to be chronological blocks rather than integral, self-contained units. The discussion of the ephebe inscriptions of the imperial period seems sound and moderate; but more data might have been adduced for the final chapter, e.g., from Julian and Gregory Nazianzen.

ROBERT P. BLAKE

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The Praise of Folly by Desiderius Erasmus, Translated from the Latin, with an Essay & Commentary. By HOYT HOPEWELL HUDSON. Princeton, N.J.: Princeton University Press, 1941. Pp. xli+166. \$2.50.

Mr. Hudson forestalls the obvious first reaction to any new translation by saying that "the only justification for a new version is that others represent Erasmus, to a modern reader, less adequately than is desirable or possible." Because so many old editions have already been removed from their usual places to locations of greater safety, the reviewer was able to compare this new version with only the worst (and most frequently reprinted) of those mentioned by Mr. Hudson in his Preface.

A few parallel passages will illustrate the relation of Latin original (Le Clerc, 1707) to the translations of White Kennett (1683) and Mr. Hudson.

Iam vero non huius facio sapientes istos qui stultissimum et insolentissimum esse praedicant, si quis ipse laudibus se ferat [406D].

And here I value not their censure that pretend it is foppish and affected for any person to praise himself [Kennett].

Nor do I have any use for those wiseacres who preach that it is most foolish and insolent for a person to praise himself [Hudson, p. 8].

Et post haec celebratur, si Diis placet, praeclara illa Platonis sententia "beatas fore Respublicas, si aut imperent philosophi, aut philosophentur imperatores" [423B].

Now let Plato's fine sentence be cried up, that "happy are those commonwealths where either philosophers are elected kings, or kings turn philosophers" [Kennett].

But in God's good grace, after everything else, that famous saying of Plato's is trotted out: "Happy is the state where philosophers are made kings, or whose kings become philosophers" [Hudson, p. 32].

Quamquam hoc tantum interest qui cucubito cum videt, mulierem esse credit, huic insano nomen ponunt, propterea quod perpaucis id usu veniat. Verum ubi quis uxorem suam, quam cum multis habet communem, eam plusquam Penelopem esse deierat, sibi quae maiorem in modum plaudit, feliciter errans, hunc nullus insanum appellat, propterea quod passim maritis hoc accidere videant [440D-41A].

He that shall take a broom-stick for a strait-bodied woman is without more ado sentenced for a madman . . . whereas he whose wife is a common jilt, that keeps a warehouse free for all customers, and yet swears she is as chaste as Penelope, and hugs himself in his contented mistake, is scarce taken notice of [Kennett].

It may be only that a man seeing a pumpkin believes it is a woman, and others give him the epithet of "mad," simply because so few people share his belief. But when another man swears roundly that his wife (whom he holds in common with many others) is a Penelope, only more virtuous, and thus flatters himself in the key of C-major, happily deluded; nobody calls him mad, because they see that this happens to other husbands here and there [Hudson, p. 53].

Verum haec omnia videor vobis propemodum joco dicere. Nec mirum sane, cum sint et inter ipsos theologos melioribus instituti litteris, qui ad has frivolas, ut putant, theologorum argutias nauseant [468B].

I suppose you mistrust I speak all this by way of jeer and irony; and well I may, since among divines themselves there are some so ingenious as to despise these captious and frivolous impertinences [Kennett].

But it seems to you I say all these things almost as a joke. No wonder, indeed, since among the divines themselves are some, instructed in sound learning, who are nauseated by what they deem the frivolous subtleties of theologues [Hudson, p. 83].

The translator obviously enjoyed his task, and the translation certainly marches. Only occasionally is the forthright vigor of Mr. Hud-

son's English marred by an encounter with Erasmus' Latin; e.g., "thus, absent as I was, I found delight in the memory of the absent you in much the same way as, being present, I used to enjoy the society of the present you" (p. 1) from the original "absentis absens memoria . . . frui . . . praesentis praesens consuetudine"; or the rendering of *nescioquis* as "whom I do not know" (p. 2). Certain modernisms may startle the orthodox, e.g., "fathead" (p. 3) for *naris obesae*, and "there I go again" (p. 89).

The Introduction, which is eminently readable, discusses Erasmus as a Lucianist, the problems of "typing" the *Morias encomium*, the greater problem of interpretation of Erasmus' intent in this essay. As Mr. Hudson says in preface to his analysis (rhetorical outline) which occupies pages 131-42, "one might say that he feels free to dwell upon whatever idea catches his fancy and stimulates his mind." Notes (pp. 143-53) explain references which need elaboration, give sources for quotations, and quote the King James version of all passages from the Bible, but learning for its own sake is omitted. The Index of Proper Names (pp. 155-66), which concludes the volume, is a handy compendium of information on persons, places, and things which do not call for more extensive note, e.g., "Albertists, scholastic followers of Albertus Magnus, a Bavarian schoolman of the thirteenth century, 79, 82"; and "Malea, promontory of Greece, dangerous to navigation; there is a pun on *Malea* and *alea* (dice), 55."

The typography is attractive; the printing neat and free from errors.

LESTER K. BORN

Washington, D.C.

Held und Staat in Euripides' Phönissen. By WILHELM RIEMSCHEIDER. Würzburg: Konrad Triltsch Verlag, 1940. Pp. 61. Rm. 3.

Beginning with the scholiast and the author of the *hypothesis*, an almost unbroken line of critics has been troubled by the lack of unity in the *Phoenissae*; and considerable ingenuity has been displayed in attempts to explain the presence of suspected portions by theories of

contamination, allegory, interpolation, and the like. In ingenuity Riemschneider yields to none of his predecessors; but he differs from them in that, while they sought to account for elements which they considered intrusive and to remove them from the true Euripidean core, he undertakes to present a point of view from which all the parts of the play as it stands may be regarded as forming an authentic, dramatic whole.

Since this attempt requires him to justify practically every element in the play (especially the many which others have rejected), it is obviously impossible to examine here every facet of his argument. The briefest general statement of his theory is probably a paraphrase of his title: the state, Thebes, is the hero of the drama. Therefore, in Riemschneider's opinion the dramatist has organized all his characters and incidents about the central problem of the safety of the city.

The implications of this view for judgment of parts of the play are far-reaching. Thus the scene in which Menoeceus resolves to sacrifice himself becomes the *peripeteia* of the action, since from that point the immediate safety of the city is assured. Similarly, the *parodos* and the two following *stasima* (usually considered *embolima*) become a song-cycle concerned with the safety of the city.

Part of the argument is the author's theory of the characterization of Antigone. No Sophoclean heroine, she is a particularly Euripidean creation—a typical girl of Athens in the fifth century, who stands in complete contrast to Jocasta, the heroine of saga. It is by this contrast that Riemschneider justifies the "second prologue":

Hierin beruht die Einheit des Phönissenprologs. Der weitere Verlauf des Stückes zeigt, dass die freie, stolze Heldin der älteren Zeit scheitern muss. Dem Bürgermädchen der neuen Zeit mit allen ihren Beschränkungen gelingt die Versöhnung der Oidipusflüche. . . . Und das Oben und Unten beim Auftritt der beiden Frauen hat zugleich eine symbolische Bedeutung [p. 14].

This characterization of Antigone is combined with the theory of the main theme of the play to explain some of its later scenes. For example, in the dispute over the burial of Polyneices, Antigone wants to bury him, not be-

cause of any deep religious feeling or personal conviction, but merely because he had asked her to try to persuade the city to allow his burial in his native soil. Creon, the official guardian of the state, refuses to grant the request because of his promise to Eteocles. Since Polyneices was an enemy of the state, Creon must win and Antigone backs down. On the other hand, Antigone must not marry Haemon lest the old curse of her family continue to harass the city through her; hence, she is allowed to remain adamant here and Creon must yield. Similarly, she is allowed to accompany Oedipus into exile, for thus she removes, in the person of her father, another source of ill to the state. In other words, the end of this play is much like that of the *Ajax*. Just as there many loose threads remain after the death of the hero, so here, after the repulse of the invader, the other threats to the city's security must be removed.

The preceding bare and incomplete summary gives a very weak reflection of the brilliance of the original. As one reads *Held und Staat*, one can scarcely fail to be convinced by the cleverness of the argument; but, when one puts the book down and picks up the play, one's skepticism returns. The reason is not so much that on closer examination particular details seem doubtful (though many of these seem overingenious) but rather that the play as a whole seems a very different sort of piece from the kind that the theory would make it. Like much of the work of Verrall, whose essays this work strongly resembles, the book is thoughtful and brilliant. The theory is arresting, stimulating, and extremely clever; but, to this reviewer at least, it is not convincing. The number of small, perhaps even petty, doubts about particular points combine to produce a general impression: "It just isn't so."

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Philodemus' Influence on the Latin Poets. By JANE ISABELLA MARION TAIT. (Diss., Bryn Mawr College.) Bryn Mawr, Pa., 1941. Pp. v+118.

Dr. Tait has assembled in this dissertation the material bearing on Philodemus' life, his in-

fluence on certain Latin poets, and his theories of criticism. The second section is by far the most important, analyzing Philodemus' epigrams and discussing at some length his relation to Catullus, Vergil, and Horace, with briefer notes on Tibullus, Propertius, Ovid, and Martial. Certain poetic themes and images which appear in Philodemus' epigrams are compared with similar themes and images in the Latin poets; and the author concludes, with due caution, that Philodemus was rather extensively used by the Latin poets, especially in connection with erotic themes.

Underlying specific borrowings, Dr. Tait believes, there was an affinity of literary ideals between Philodemus and the Latin poets. She holds that the neoteric poets, or Latin Alexandrians, were closely related to the Atticist movement (pp. 32, 62, 100); that the literary standards of the Epicurean group at Naples were much the same as those of the Atticists and Alexandrians (pp. 97, 107); and that the Augustans, in turn, inherited from neoterics and Epicureans the best elements of each (pp. 61, 62, 118). The arguments presented in defense of this view are not sufficiently strong to dispose of the many difficulties it involves. Dr. Tait's evidence comes mainly from the identity of persons belonging to the various groups that she has interrelated. Catullus and Calvus were both Atticist and neoteric (pp. 62, 100); Quintilius Varus was neoteric, Epicurean, and Augustan (pp. 52-53); Vergil was Atticist, Epicurean, and Augustan (p. 61). These statements are indeed suggestive, yet they need qualification. Few would agree, for example, that Vergil was both Epicurean and Augustan at the same time.

There are, in addition, other apparent difficulties in Dr. Tait's material which do not receive adequate explanation. For example, Vergil is said to have accepted the ideals of the Atticists: the poems of the *Appendix* represent faulty Atticism; the major works represent the best in Atticism (p. 61). It is hardly credible that a detailed analysis of Vergil's style would bear out this statement. Another paradox confronts the reader in the political alignment of Vergil and the Epicureans. Vergil lost faith in Caesar on pages 55 and 114,

but he was a devoted Caesarian on page 61. The Epicurean school gave cautious approval to "Caesarism" (p. 56), yet it was indifferent to public duty (p. 60) and at the same time revolutionary (p. 61). It is not likely that orthodox Epicureans would have countenanced the deification of Augustus (p. 63) or that the Epicurean attitude toward nature was one of romantic idealism (p. 62). Finally, in making Philodemus a major influence on Horace, the author states that the two men shared the same literary ideals. It is consequently difficult for her to explain the fact that the literary doctrine of the *Ars poetica* is diametrically opposed to Philodemus' theory of poetry (pp. 101-2, 108).

Although the dissertation has not entirely succeeded in solving the many difficult problems which it raises, it has clarified the statement of these problems and has contributed important specific information regarding the parallels between Philodemus and his Latin followers. It is to be hoped that the author will continue her efforts to clarify the relation of Philodemus to the Latin poets.

PHILLIP DE LACY

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Excavations at Olynthus, Part XI: Necrolynthia: A Study in Greek Burial Customs and Anthropology. By DAVID M. ROBINSON, with the assistance of FRANK P. ALBRIGHT and with an appendix on skeletons excavated at Olynthus by JOHN LAWRENCE ANGEL. ("Johns Hopkins University Studies in Archaeology," No. 32.) Baltimore: Johns Hopkins Press, 1942. Pp. xxvii+279+71 pls. \$15.

The excavator of Olynthus found 598 graves, according to his enumeration; the exact number is not certain, since traces are sometimes slight. Of these, 528 belong to "Riverside cemetery," 30 to "North cemetery," 37 to "East cemetery," and 3 were isolated. One of these 3 was a chamber-tomb, built of "pseudo-isodomic" masonry—an interesting example of this style in the early fourth century (cf. Seranton, *Greek Walls*, p.

134). This was decidedly the most pretentious of the burials.

Fifty-three cremations were found, in which the corpse was burned in a trench, and then, generally, the trench was simply filled with earth. In 4 inhumations, stone sarcophagi were used; in 33, wooden coffins. Terra-cotta roof-tiles were used for the protection of the body in 219 cases: in 4, the tiles were built into cists; in 175, tiles were propped against each other in gable form; in 13, the corpse was placed in a deeper central part of the trench and covered by a flat tile resting on the higher surfaces at the sides; in 27, a flat tile was placed on the corpse itself. These last, to judge from the objects found in the graves, were the poorest of all the burials. In 106 cases no protection at all was discernible, though offerings were fairly abundant and the bodies were doubtless well wrapped. More than a quarter of the burials (164) were those of infants, who were placed in large jars which were broken for the purpose; most of the other types were also used for infants and children. In general, the graves are datable only by their contents. It is somewhat remarkable that no chronological development can be traced in the character of the burials, though they extend from about 500 B.C. to the destruction of the city. The choice between cremation and inhumation seems to have been a matter of personal preference, but it is noted that the cremations are somewhat richer in offerings than any type of inhumation.

The objects found in the graves have been or will be published in other volumes of the Olynthus series. Because of this and because of the meagerness of the graves, this volume rather lacks glamour in comparison with others of the series; but the archeological value of a systematic investigation of so considerable a number of burials of the fifth and fourth centuries is great. Each grave is described; then all features and questions are discussed, with consideration of comparative material from other places in Greece and Magna Graecia and of the testimony of ancient authors. The extraordinary erudition and industry of the author are evident as always. He writes modestly of the extended scope of his work, and it is

true that it does not correspond to von Duhn's *Italische Gräberkunde*, but it will be very welcome, nevertheless.

The Preface glitters with quotations from Lucian, Bret Harte, and divers others and seems to have been written in great good humor. It is clear that the author was not depressed by the nature of his material or by the fact that he defrayed the expenses of publication himself. The ability to do that is not the least important item in the equipment of a complete archeologist.

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Demosthenes: Private Orations, with an English Translation, Vol. II. By A. T. MURRAY. ("Loeb Classical Library.") Cambridge: Harvard University Press, 1939. Pp. viii+419. \$2.50.

Professor A. T. Murray is not unknown to readers of the "Loeb Library"; more than thirty years ago he translated Homer for this same series. His translation of Demosthenes is accurate and faithful. The text is essentially that of Blass. One interesting correction (*vs. Spudias*, § 3) is based on a new epigraphical discovery in the Athenian Agora. The number of notes is rather generous for this series, but too many of these notes merely state to what tribes the demes belonged. Two stemmata are added to facilitate the understanding of the relationship that existed between the rival claimants in inheritance cases. Modern readers may well wonder if the Athenian dicasts could follow an intricate inheritance case without the visual aid of a stemma. The Bibliography lists Meier and Schoemann, *Der attische Prozess* (rev. Lipsius [Berlin, 1883-87]), but not Bonner and Smith, *The Administration of Justice from Homer to Aristotle* (The University of Chicago Press, Vol. I, 1930; Vol. II, 1938). Since this volume contains only a portion of the private orations (xli-xlix), there is no index. Presumably this will be included, when the fourth and final volume appears.

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BOOKS RECEIVED

[Not all works submitted can be reviewed, but those that are sent to the editorial office for notice are regularly listed under "Books Received." Books submitted are not returnable.]

- AMERICAN SCHOOL OF CLASSICAL STUDIES AT ATHENS. *Corinth*, Vol. XI: *The Byzantine Pottery*. By CHARLES H. MORGAN II. Cambridge: Harvard University Press, 1942. Pp. xx+373+53 pls.
- DEFERRARI, ROY J., and EAGAN, SISTER M. CLEMENT. *A Concordance of Statius*. Published by Roy J. Deferrari, 1303 Quincy St., N.E., Brookland, D.C., 1943. Pp. vi+926. Paper bound, \$8.00.
- EGYPT EXPLORATION SOCIETY. *The Oxyrhynchus Papyri*, Part XVIII. Edited with Translations and Notes by E. LOBEL, C. H. ROBERTS, and E. P. WEGENER. London: Egypt Exploration Society (American agent: P.O. Box 71, Metuchen, N.J.), 1941. Pp. x+215+portrait and 14 pls. 63s.
- HAIGHT, ELIZABETH HAZELTON. *Essays on the Greek Romances*. New York: Longmans, Green & Co., 1943. Pp. xii+208. \$2.50.
- KARO, GEORGE. *An Attic Cemetery: Excavations in the Kerameikos at Athens under Gustav Oberlaender and the Oberlaender Trust*. Philadelphia: Oberlaender Trust, 1943. Pp. iv+45+38 pls. \$2.50. To be ordered from the Oberlin Printing Co., Oberlin, Ohio.
- MAHR, AUGUST C. *Relations of Passion Plays to St. Ephrem the Syrian*. ("Ohio State University Graduate School Studies, Contributions in Language and Literature," No. 9.) Columbus, Ohio: Wartburg Press, 1942. Pp. x+34. \$1.85.
- PRAKKEN, DONALD WILSON. *Studies in Greek Genealogical Chronology*. Lancaster, Pa.: Lancaster Press, Inc., 1943. Pp. viii+113.
- RAND, EDWARD KENNARD. *The Building of Eternal Rome*. Cambridge: Harvard University Press, 1943. Pp. xiv+318. \$3.50.
- READ, WILLIAM MERRITT. *Michigan Manuscript 18 of the Gospels*. ("University of Washington Publications in Language and Literature," Vol. XI [January, 1943].) Seattle: University of Washington Press, 1942. Pp. x+75.
- ROSTOVITZ, M. I.; BELLINGER, A. R.; and WELLES, C. B. (eds.). *The Excavations at Dura-Europos Conducted by Yale University and the French Academy of Inscriptions and Letters. Final Report IV, Part I, Fasc. 1: The Green Glazed Pottery*, by NICHOLAS TOLL, with technological notes by FREDERICK R. MATSON. New Haven: Yale University Press; London: Oxford University Press, 1943. Pp. iv+45+20 pls. \$2.00.
- TURYN, ALEKSANDER. *The Manuscript Tradition of the Tragedies of Aeschylus*. New York: Polish Institute of Arts and Sciences in America, 1943. Pp. vi+141. Cloth, \$3.00. To be ordered from Herald Square Press, Inc., 233 Spring St., New York City.

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